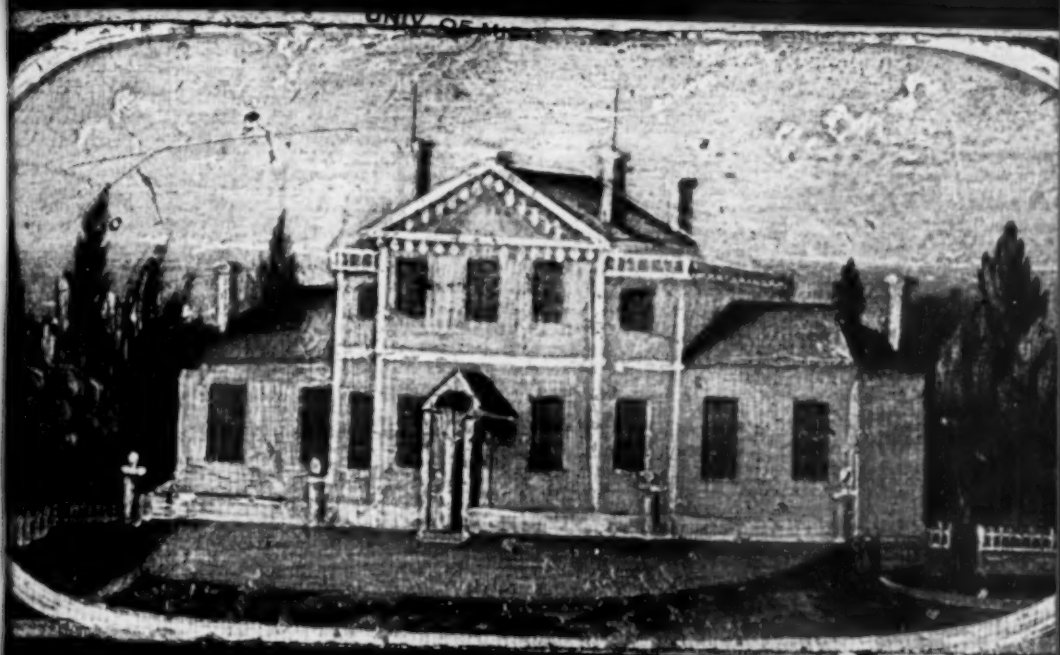


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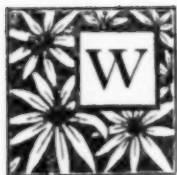
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LETTERS OF WILLIAM CARMICHAEL TO JOHN CADWALADER, 1777.¹

Edited by HARRY AMMON



WHEN the Revolution began the Continental Congress was hard pressed to find reliable men who were capable of furthering its diplomatic objectives in Europe. Of the Americans in Europe at the time one of the few who possessed the necessary qualifications was William Carmichael of Queen Anne's County. From 1776 until shortly before his death in Madrid in 1795 he devoted himself to the service of the Continental Congress and then of the United States. Receiving little recognition and advancement in his own time, Carmichael's posthumous fame has been perpetuated inadequately. His own countrymen knew him but slightly during his lifetime and we today find it difficult to

¹ These letters are published through the generosity of their present owner, Mr. Thomas Francis Cadwalader, great great grandson of the original recipient, General John Cadwalader.

know him better for the details of his life before 1776 still remain obscure.²

William Carmichael's father, who bore the same name, was born in Scotland in 1692 and settled with his brother Walter in Queen Anne's County about 1720. The elder Carmichael soon became prominent in Maryland, holding a commission as justice of the peace in 1737 and 1738 and again from 1756 to 1766. He was twice married, first to a Miss Holt by whom he had five children, among them William, and secondly, to Anne Brooke who bore him three children. The second marriage brought considerable property to William Carmichael, senior, for Anne Brooke was one of the principal legatees of the wealthy Richard Bennett. The elder Carmichael died in 1769 leaving a substantial estate. The younger William received from his father a half share in the "Park," a 500 acre tract in Queen Anne's County. William Carmichael substantially augmented his property, when about 1764 he married Rebecca Sterling, daughter of Reverend James Sterling of St. Paul's Parish, Kent County.³ It is probable that his wife died within a few years after their marriage.

Of his education and life in America nothing is known. However, he must have mingled freely with the leading families of Maryland for he was on familiar terms not only with John Cadwalader, who owned an extensive tract in Kent County, Maryland, but also with the Carrolls of Doughoregan and the Lloyds of Wye.⁴ Apparently William Carmichael took up permanent residence in England around 1770. After attending the University of Edinburgh, he settled in London where he was leading a gay life when the Revolution commenced. Up until 1776 William Carmichael seems to have been content with the life of a gentleman of means who preferred the social and cultural surroundings

² Jefferson wrote to Madison, January 30, 1787: "Mr. Carmichael is I think very little known in America," quoted in Samuel Gwynn Coe, "The Mission of William Carmichael to Spain," in *Johns Hopkins University Studies in Historical and Political Science*, ser. XLVI (1928), pp. 1-3.

³ This information is based in part upon material on Carmichael collected by Dr. Christopher Johnston and now in the possession of the Maryland Historical Society; Lawrence C. Wroth, "James Sterling: Poet, Priest and Prophet of Empire," *Proceedings of the American Antiquarian Society*, XLI (1931), 66, fn. 1; will of William Carmichael, Dec. 8, 1768, Wills 37, f. 128, Hall of Records, Annapolis; Kent County Deed DD No. 4, f. 164, Hall of Records, Annapolis.

⁴ See Carmichael's letter to Carroll printed in Elizabeth S. Kite, "Revolutionary Correspondence of Charles Carroll of Carrollton with William Carmichael," *Records of the American Catholic Historical Society*, XLII (1931), 1-11.

of London to those of his native state. Although he was an expatriate, Carmichael remained a patriot, and early in 1776 he prepared to return to America to offer his services to the revolutionary forces. This plan was not immediately executed for he fell ill in Paris on his way to America with dispatches from Arthur Lee, the Agent of the Continental Congress in England. While he was in Paris, Silas Deane, whom the Continental Congress had made commissioner to France, arrived and Carmichael volunteered his help.⁵

This offer was at once accepted and until February, 1778, when he sailed for America, Carmichael served as secretary to Deane and the other Commissioners. They found him a valuable associate and relied extensively upon him. His wide acquaintance with prominent men and his familiarity with continental social usages gave him an advantage which not all the Commissioners possessed. Late in 1776 Carmichael was sent on a special mission to Holland and Prussia and in the latter he was notably successful in winning the friendship of Baron von Schulenberg, one of Frederick the Great's principal ministers. As a result of this contact he was able to interest the Prussian government in a commercial agreement with the colonies. This treaty was never drawn up, for Arthur Lee who was sent to complete Carmichael's work failed to maintain the friendly atmosphere created by his predecessor and the treaty project fell through.⁶

After Carmichael returned from Prussia he remained in Paris for the following year. The letters which are printed below were all written during this period and provide an interesting commentary upon the labors and hopes of the American Commissioners in the critical year of 1777. The news of the day as reported by Carmichael to his friend General John Cadwalader has a freshness and an excited immediacy which can still be felt today. Although much of the news which he reported, as well as that which came from America, was bad, the optimistic quality of his outlook remained undiminished. The constant hopefulness and the indomitable perseverance which are reflected in these letters were the common property of the American Commissioners, who continued to persist in spite of what seemed to be overwhelming

⁵ Coe, "Mission of William Carmichael," pp. 1-3.

⁶ *Ibid.*, pp. 5-7.

odds. Their persistence was eventually rewarded in February, 1778, when France at long last signed a treaty of alliance. Carmichael did not mention in his letters to Cadwalader one interesting aspect of the life of the American Commissioners, namely, the mutual distrust and suspicion with which they surrounded themselves. Carmichael was inevitably involved in these unfortunate bickerings and especially won the hatred of the overly distrustful Arthur Lee.

Not only do these letters present an interesting and frank report upon the status of France's policy toward England's rebellious colonies, but they also illuminate several aspects of Carmichael's character. From these letters we receive the impression of a lively and agile mind, not over disciplined yet possessed of a critical perception of character and an awareness of fact as distinct from gossip. Thomas Jefferson, who was minister to France in 1787, gave a description of Carmichael which corresponds closely to the impression given by the letters themselves:

I never saw . . . [Mr. Carmichael] and while I was in Congress formed rather a disadvantageous idea of him. His letters, received then, showed him vain and more attentive to ceremony and etiquette than we suppose men of sense should be. I have now a constant correspondence with him and find him a little hypochondriac and discontented. He professes very good understandings though not of the first order. I have had great opportunities of searching into his character and have availed myself of it. Many persons of different nations coming from Madrid to Paris, all speak of him as in high esteem and I think it certain that he has more of the Count de Florida Blanca's friendship than any diplomatic character at that court. As long as this minister is in office Carmichael can do more than any other person who could be sent there.⁷

It is clear from these letters that Carmichael knew the "best" people and associated with them freely and easily. He was on intimate terms with the Marquis de Lafayette and apparently he was responsible for Lafayette's decision to come to America.⁸ Undoubtedly his attention to ceremony and etiquette, which troubled his American contemporaries, was an invaluable asset in his social success in the artificial society of eighteenth century France. Car-

⁷ Jefferson to James Madison, January 30, 1787, quoted in *Ibid.*, p. 107.

⁸ *Ibid.*, pp. 5-6; when Lafayette visited America in 1824 he is reported to have said that it was Carmichael who "first received the secret vows of my engagement in the American cause," quoted in Louis Gottschalk, *Lafayette Comes to America* (University of Chicago Press, 1935), p. 162.

michael's ability to mingle in aristocratic circles on a familiar footing again served him well during the decade he spent as chargé in Spain. His personable manners, together with the influence of Lafayette, gained him an entrée to the Spanish court which the Minister, John Jay, had been unable to achieve.

In 1778 he returned to America. In spite of his prolonged absence his connections were such that in November he was sent by Maryland to the Continental Congress where he served for a year. While a member of the Continental Congress Carmichael was called upon to testify in the investigation of the unsavory Lee-Deane affair. Although Carmichael does not seem to have been unfriendly to Deane his evidence merely added to the general mystery without serving to clear or convict Deane.⁹ In September, 1779, the Continental Congress elected him secretary of legation to accompany the Minister to Spain, John Jay.

The Spanish portion of Carmichael's career has been fully discussed in Samuel Gwynn Coe's monograph. Jay remained in Spain until 1782 and when he left Carmichael was made chargé d'affaires, a post he retained until 1794. During the fourteen years he spent in Spain Carmichael rendered his most valuable services to his country. Although he conducted no important negotiations he created an atmosphere of good-will and friendliness which was of great value to Thomas Pinckney, who arrived in Spain as Minister in 1794. Carmichael's success in Spain was due to a considerable extent to his ability to move freely in the best circles of society. He became an intimate friend of Florida Blanca who was the prime minister until 1793.

After 1790 Carmichael's health began to fail and he requested that he be recalled. His request was finally granted in 1794, but he never returned to America, for he became seriously ill shortly after receiving his recall and died in Madrid, Feb. 9, 1795. Carmichael was buried in Madrid, but his widow, Antonia Reynon Carmichael, came to Maryland and established a residence with her daughter near Chestertown.¹⁰

General John Cadwalader, the recipient of the letters, with whom Carmichael seems to have been upon intimate terms, was a wealthy Philadelphia merchant who also owned an extensive

⁹ Edmund Cody Burnett, *The Continental Congress* (New York, 1941), pp. 361-3.

¹⁰ Coe, "Mission of William Carmichael," *passim*.

estate in Kent County, Maryland. He held the rank of brigadier-general in the Pennsylvania militia and saw active service in the major campaigns of 1777. Cadwalader distinguished himself during the winter of 1777-1778 as an ardent friend of Washington during the Conway Cabal, and challenged General Conway to a duel in which the latter was wounded severely. After 1778 Cadwalader retired from active service and resided on his estate in Kent County. From 1780 to 1784 he served in the Maryland legislature. He died at the age of forty-four in 1786.¹¹

Dear Sir

I have drawn upon you since my residence here in favor of several gallant French men, who came in search of Glory or Death in your part of the world—and how do you think I mean to repay you, by introducing to your *particular* freindship the bearers The Marquis de La Fayette & the Baron de Kalb.¹² The former the most amiable, as well as most distinguished for family fortune & Connections in this Kingdom & the Latter recommended to Mr Deane by the Marshal Du de Broglie & the Marshal de Maillebois as a cool experienced and brave officer¹³—I beg you to make these Gentlemen known to the General Officers & the former as an example, to any young Gentlemen, which you indeed have already set them, of what *they* ought to do, when a young stranger of such distinguished rank with a fortune of at least 15000 £ Ster^{ling} p^r. Ann^m.—quits all the pleasures that these Circumstances in the Bosom of a young & Beautiful wife could afford him to seek Glory & to serve ags^t. his Country Enemies—Dick Loyd was well last week I am endeavoring to [torn] him from England at least¹⁴—My former Letters will have informed you that I left it at the desire of Mr Lee & others to render what little services I could here, previous to Mr Deanes arrival Since which I have been constantly employd without any gratification whatever but fulfilling

¹¹ Edmund Kimball Alden, "John Cadwalader," *Dictionary of American Biography* (New York, 1928-1944), III, 378.

¹² This letter was written the day Lafayette secretly left Paris accompanied by the Baron de Kalb. As a result of various delays it was not until over a month later on April 30, 1777 that Lafayette and his companions sailed for America on board the *Victoire* which arrived at Charleston June 13, 1777. Carmichael was one of the very few who knew of this secret departure. Gottschalk, *Lafayette Comes to America*, *passim*.

¹³ The duc de Broglie and the comte de Maillebois were outstanding military figures at the Court of Louis XVI.

¹⁴ "Dick Loyd" was Richard Bennett Lloyd (1750-1787) son of Edward Lloyd of Wye House. He was educated in England and became a captain in the Coldstream Guards. When the revolution began he resigned his commission and returned to Maryland where he remained until his death. See McHenry Howard, "Lloyd Graveyard at Wye House, Talbot County, Maryland," *Maryland Historical Magazine*, XVII (1922), 20-33. John Cadwalader's first wife was Elizabeth Lloyd, sister of Richard Bennett Lloyd.

a duty I think I owe my country.¹⁵ I hope your testimony to these my present, but also what you know to be my past Sentiments I am Dr. Sir with the highest Esteem

Your very humble Ser^t

W^m. Carmichael

Paris 17th. March 1777

Two Colonels Mon^{rs}. De Lesser & Valfort

are particularly recommended to me & I beg your notice of them ¹⁶

Dear Sir

I had determind within myself to trouble you with no other Letters of Introduction than what I had already given but the pressing solicitations of the first people in this Kingdom have obligd me to alter that resolution—I do it with less reluctance as it is in favor of the Celebrated Count Pulaski who so gloriously sustaind the Liberties of his Countrymen, when even attackd by the three great Powers who now can dictate Laws not only to Europe but Asia ¹⁷—We may say of him what was heretofore said of Hector, if his country could have been preservd from foreign & Domestic Tyranny it would have been by his prowess & Exertions. Sacrificing an immense fortune, rather than see his Country in Subjection, he courts Liberty (in whose support he has been so unfortunate) in another world, & I hope with better success, where I hope compassion for the misfortunes & the unabated ardor of an Heroic sufferer will prepare him a generous reception, I secure it, when I put it in your power, whose generous & feeling disposition have long made me ambitious of being thought as much your Freind as very humble ser^t.

W^m. Carmichael

Paris May 29th 1777

John Cadwallader Esq^r.

Brigadier General in the Service of the United States of North America.

Dunkerque July 17th 1777

Dear Sir

Having finished a troublesome affair here at the desire of the Commissioners, which was to get Captⁿ Cunningham armed from this Port in spite of the remonstrances of the English Government & the intrigues of Part of the Administration of France, I catch at the occasion which his coming Himself to America or sending there, gives of assuring you as I have done on several occasions of the pleasure I take in the reputation

¹⁵ Silas Deane of Connecticut was the first American agent sent to France by the Continental Congress.

¹⁶ De Valfort and de Lesser both came to America with Lafayette in 1777, Henri Doniol, *Histoire de la participation de la France à l'établissement des États-Unis* (Paris, 1886-1899), III, 223.

¹⁷ Casimir Pulaski (c. 1748-1779), Polish patriot, arrived in Boston in July, 1777, and received a cavalry command from the Continental Congress.

you are acquiring in your Countrys Service and of intreating that I may always have a place in your esteem & remembrance.¹⁸ To be esteemd by virtuous Citizens is an incentive to emulate them. There is no one that laments more than myself the circumstance which has lost me the earliest opportunities of following so many bright examples—The last 15 months however of my life I trust have been usefully if not brilliantly employd. The Misfortune which happened to Mr Deanes letters as well as my own last summer, is the reason my freinds & Countrymen have not sooner known my conduct & Situation, as I hope not only letters, but many evidences of it, are before this with you I will not trouble you with the repetition of circumstances which I should have never related. Had not my absence obligd me to be particular to my Freinds—If ever I felt the passion of Envy, it is when I see so many names like to be illustrious & mine not among them. I have hope however to console me, and tho' I did not start fair, I shall strive hard not to be Hindmost. But enough of Self—

I beleive I wrote you last by the Count de Pulaski, since which we have been constantly ingagd to bring on a war by setting on foot many little intrigues not only here but in England. I can not answer for the success, but the appearance is promising—Mutual ill will aggravated by mutual injury blow the coals of dissension, & this fanned by exaggerations to each Nation will bring it to a flame. To you filld with generous Ideas of the Interest of Nations, these little measures will appear surprizing—Partial interest, my Dear Sir, and not the great concern of the whole rules the greatest Part of Europe, and our good Nature or refinement often stiles that Policy which Springs from weakness or a worse motive. Perhaps a sketch of this Administration or at least of the head of it may elucidate what I have been observing—The Compte de Maurepas, who may now be said to be Prime Minister & who has been so since the present Kings accession, has the same influence on the mind of his young Master, as it is generally allowed, L^d Bute had on that of George the 3rd of Great Britain¹⁹—The Latter however had Ideas which corresponding with those his Tutor had imbibd from a long succession of Family prejudices, made him an active coadjutor as well as instrument in the hands of his favorite. The King of this country is a mere automaton if we may beleive even the circle which surrounds him, to which the Compte de Maurepas gives motion—You may judge what these motions are in the hands of an old

¹⁸ Gustavus Conyngham (c. 1749-1819), Irish born American sea captain, was arrested by the French government in May, 1777, for bringing prizes into French ports. He was released at the end of June as the result of the efforts of Carmichael and the Commissioners. He was promptly given another ship, the *Revenge*. See Gardner W. Allen, *A Naval History of the American Revolution* (New York, 1931), I, 264 ff.

¹⁹ The comte de Maurepas (1701-1781) was Louis XVI's principal minister and an advocate of the policy of weakening Britain by aiding the American colonies. Carmichael's characterization is on the whole accurate. Maurepas was lazy, fearful of losing power, and possessed only second rate talents. See Edward S. Corwin, *French Policy and the American Alliance* (Princeton, 1916), p. 78.

Man of near 80 always addicted to pleasure, an exile for 30 years, timed from sufferings & from imbecility, & yet fond of Power—even at this advanced age addicted to pleasures & therefore hating business, with something of a consciousness of this dislike & of his own Innability, he shuns war as an Intruder on the one & an Exposer of the other—Thus circumstanced & with coadjutors In the ministry who depend on him for their political Existence, what can be expected but an indecision & weakness, which seeks to hide itself under the name of Caution & refinement—The wishes & the Interest of the French Nation are too strong & manifest, even to let them doubt that they ought to render the separation between America & Great Britain eternal, but while they hesitate about the way of doing it effectually They distress us, & risque much themselves—There are some men in this administration however who are capable of great things, could they dictate, instead of being dictated to:—And as they are sensible their consequence may expire with the Minister, should he die before the nation is involved in a war They secretly wish to accelerate it. It is something a maxim in the French Cabinet to make as few Ministerial arrangements as possible in time of war—On this principle the Subalterns wish it, that being in place at its commencement, they may establish their power by its progress—For which reason they second our Intrigues and doing so, find themselves seconded by the Queen and all the Nobility almost of the Kingdom, In the Councils of England war seems to be still more the object. Should they be successfull in America, they will declare it, because the nation will murmur if instead of having their burthens lessend they find them increasd: to escape retrospection, they must ingage the attention of the nation on another object—Should they be unsuccessful the same reasoning holds good in a more powerfull degree, but you must take along with you, my Dr Sir in this reasoning That the interest of Individuals operates, not the Public good—This reasoning too is founded on a series of facts which I have not time to explain. Indeed to enter into the minutiae of these facts would require a volume. Spain is something more firm, but if I may hazard the Expression, without knowing wherefore, weakness is as much shown by that court in temerity as it is shown in this by Caution. But the former is the best Tool to work with—Austria is the freind of England or at least not our freind, while the Empress Queen lives ²⁰—Prussia I had the honor to break the Ice with—The Congress have been informd of the Consequences, More favorable perhaps than any towards the acknowledgment of our Independence—Denmark wishes not well to England, but is so situated that Policy seems to render an appearance of Good will necessary—Sweden not well establishd after its late surprizing revolution in favor of Monarchy, stands in awe of its neighbour Russia a powerfull Ally of England, altho' wishing to mask freindship to us, under the appearance of Neutrality. All Petty States hate England, because they couch to its superior Genius & Even the Present Empress of Russia is too knowing not to see,

²⁰ Maria Theresa, Empress of Austria and mother of the Queen of France, Marie Antoinette.

that England in case of a separation from America may depend on her Dominions for most Articles formerly obtained from us—Thus situated my Dear friend, we must owe to our own Exertions what we might have reasonably expected from the assistance of others. Certain that altho we have not their assistance we have their applauses. The former however will come altho' late—You have seen the first fruits in the arrival of the *Amphitrite* &c. &c.²¹ "Another day will bring another thing" as one of the English poets says on a less serious occasion—We have strove as much as possible by our armaments in France, to injure & to irritate the English Nation—We have in part succeeded. Weeks Johnson & Nicholson of Kent, have lately raised heavy contributions on the insurers of England—The Exchange has resounded with execrations against us & France our supposed protector. The Nation clamors for war, the Ministry encourage the Clamor a strong proof of what I have advanced—7 ships of war have blocked up the little vessel which forwards this.²² A finesse has dispersed them. The moment that this vessel takes the first prize contrary to all the declarations of the French & the remonstrances of the English Administration The uproar will be general in England, that it may terminate in insolence & rashness is my wish, as it has been my labor—An Armament from hence took the 3rd packett which England ever lost in the Narrow seas & I had the honor to forward the foreign dispatches of the different courts by order of the Commissioners. This was circulating the disgrace of England, which so far from subduing America, was itself insulted by America even on its own coasts—Port Glasgow & Dublin are fortified against our attacks, in consequence of some artfull & intimidating intelligence, thrown into their hands—I have proposd a scheme to the Commissioners for exciting the White-boys in Ireland, I have the proper tools all ready—& I doubt not of their concurrence—Should I not hear from America before September, I hope to make a winter campaign with you. I wish to pave the way for a favorable reception—In consequence I hope to come out in a Frigate with some excellent battering peices, Ammunition & warlike stores of all kinds except *officers*—I hope the Gallant Marquis La Fayette will read this with you. If so embrace him for me, De Kalbs remembrance will flatter me into a good opinion of myself. I hope Pulaski will forget the misfortunes of his own Country in our successes—I have once had the honor to be presented to General Washington, will you do it a second time & intreat his Pardon, that I have bribd the French officers here by presenting a medal of him cast in London, to each of them. If the Baron de Steinheild a young Swede of high rank & distinction presents himself to you will you receive him, not only as my friend, but as the Enthusiastic admirer of our principles & efforts & that dis-

²¹ The *Amphitrite* was a French ship which arrived in America in April, 1777, with a cargo of supplies and a number of French volunteers. Allen, *op. cit.*, I, 253-54.

²² Lambert Wickes, Samuel Nicholson and Henry Johnson were a trio of Continental naval captains who were successfully raiding British commerce at this time from the vantage point of French ports. *Ibid.*, I, 260 ff.

interestedly? ²³ I pray you to represent him as such to all your freinds—Dick Loyd was well the last time I heard of him. I beg you to mention me in the warmest manner to my freinds & acquaintance & to beleive me with the utmost sincerity Your freind & Very devoted

humble Sert.

W^m. Carmichael

The Commissioners were well on the 13th of this Month & in good Spirits—

Dear Sir

Having taken one Liberty, I hesitate not to take a second. I know nothing that can reconcile you to my Letters, but that they come from a distance & that the writer endeavors at least to please. It has made me happy to know that the Marquis La Fayette would put into your hands proofs of my good inclinations for my country & of my particular esteem for you. But to wave all apology & all ceremony in this Land of ease, Let me at once proceed to what is the cheif purpose of my Letters at this Crisis—Since I last did myself the honor to write you various circumstances have happened which have elated us with hope or depressd us with apprehensions. Sometimes we have thought this Court on the point of openly avowing itself in our favor. Oftner we have seen the weakness of its Administration frightned by the Menaces of England & then we have been the Sufferers. I have studied with much attention the Character of the Man who governs here, I have developpd it by the proceedings of his administration. I have tracd his private Life from a boy to 70 odd years & I find it a character of weakness & indecision. What he has been in a private he is in a public character, a Lover of Ease, of dissipation, Hating resolution, because it requires effort above his capacity & inclinations—Such is the Compte De Maurepas, as Absolute at present as we have beleivd the Earl of Bute to be with our Quondam ruler. Such being the *Ruler* it is needless to speak of the *Subalterns*. What Pope says of Woman may be applied to them. "Most women have no character at all" Every object to a jaundicd Eye appears yellow, every action dictated by such a man is Stampd with Inconsistence. Not daring to risque a war which the *Nation* think *Him* unequal to, Yet dreading the resentment of *that nation*, if he should give *us* intirely up. He has chose a middle way which requires much duplicity & much address & would succeed in it, if he possessd the Latter as he does the former. On this principle he had agreed to give us secret aid & countenance, with promises in abundance for the future. But in affording us this assistance & dealing us these promises He was as cautious as a Lawyer in drawing an Indictment, for fear any proof should remain in our hands of what he had done in our favor. I can give you many curious anecdotes on this head If ever I should have the pleasure of seeing you—In fact he is determind against war

²³ The Baron de Steinheid has not been identified.

if he can possibly avoid it. So was Cardinal Fleury & yet he was drawn in much against his inclinations ²⁴—Finding the Minister in this situation it was thought necessary to see how far his dread of England would really carry him for which reason a plan was formd & executed to seize the Packett from Harwich to Helvoetsluys by a vessel fitted out in a Port of France. This was notoriously contrary to treaty—But had the Captⁿ. (Cunningham) not returnd to the port from whence he had saild, this court could have no way of making reparation to that of England, but by a public disavowal in the face of Europe of their concern in the affair Which their pride would have hinderd them from. As it was, Cunningham gave them an opportunity of reparation, by imprisoning of him & restoring such part of his prizes as he had not plunderd. They acknowledged our Independance in fact, by paying respect to the Commission of Congress & setting him & his people at Liberty without any pecuniary or corporal punishment—His imprisonment gave great cause of triumph and exultation in England. To abate that it was thought advisable to fit out another cruiser from the same port to shew the Commercial interest of England what Little credit they ought to give to the Pacific intentions of France and the promises of their own ministers on that head—This was carried into execution even contrary to the Express orders of administration of this Country. The Complaints of England were loud on the occasion. Instant satisfaction was demanded & war threatned in case of refusal—The mode of doing this would have brought on a war, if there had been any spirit in the councils of this Nation—The contrary happend, Mr Hodge sufferd in the Bastille [for] what Cunningham had done at Dunkirk.²⁵ I should have shard the same fate had they not thought me in a public character (Secretary to the commission) & had they not dreaded my eternal & active resentment in America if ever set at Liberty—At the same time that Poor Hodge was imprisond strict orders were given publicly in their ports, but at the same time Secret orders & even instructions were given how to elude them. I threatned loudly to return to America & to complain of this treatment of my Countryman seizd under the same roof with me as also of the Commissioners that they did not resent this indignity sufficiently offerd to 3 millions of People—I was admitted in consequence to see Mr Hodge, I was assurd that he should be treated with particular distinction & when they thought fit to release him, I receivd a Polite card from the Minister inclosing the order to me, In order to give me the pleasure of setting Him at Liberty myself. All this time I know that the strongest assurances are given both publicly & privately of the pacific intentions of this court, while we are receiving as Strong that we shall never be deserted—Their ports are the Same to us as ever, we fit out our ships, we sell our prizes, we purchase warlike

²⁴ Cardinal Fleury (1653-1743) was the all-powerful principal minister of Louis XV.

²⁵ William Hodge, Philadelphia merchant, was employed by the Commissioners to purchase vessels for the Continental Navy. As a result of the British protest concerning his activities he was arrested by the French authorities.

stores & all this in direct contradiction to the Express & public orders of the King—Were there wisdom in the English councils, the consequence of these proceedings would be, an acknowledgement on their part of our Independence and an alliance with us defensive and offensive. But for this their infatuation is too powerfull. Happy to obtain some public proof of the peaceable disposition of France In order to keep up their stocks they will not I am afraid, have spirit to resent, the actual breach of the Treaties between France & themselves. In this case we must content ourselves with drawing what supplies we can from the house of Bourbon and wait for accident to do that for us, which we ought to Owe to the generosity or rather true Policy of these courts—While we evacuate places as we have done Ticonderoga, our credit will be very weak in Europe—The evacuation of that Place & Manlys giving up the Hancock are circumstances which have hurt us more in Europe, than any thing that has yet happen'd.²⁶ I was endeavoring to negotiate certificates of Congress at Amsterdam & likely to succeed till the news of these unlucky affairs arrivd. I hope General Arnold will give me new credit—Until Burgoynes Success the clamor was loud in England for Peace—The Ministry have made it a tub to throw out to the Whale.²⁷ It has in part stilld their clamors. Our Independance is no where as yet acknowledged. Indeed we have envoys no where but here. The Congress I find have made a late appointment and have directed one of the three M^r A. Lee to go to Spain. They have done right. For I beleive we have more to Expect from the hatred of that Court to England & its resolution than from the timid politics of this. But Dr. F[ranklin]—was the Man who would have flatterd the pride of that haughty court by his appointment to it. If I may dare to give my opinion even to you in private on what is transacted by that honorable body—It appears very odd that they should have appointed the same man to represent them at the courts of Vienna & Berlin, courts as jealous of each other & as opposite in their politics almost as the United States & England—²⁸

Besides that the man is as fit for the representative of three millions of people & at the wisest courts in Europe too as I am for a wet nurse—Speaking nor reading, I beleive any language but English & totally unacquainted with the political history or interests of Europe. He is however very industrious and a great oeconomist. Mr. Carrol of Maryland is certainly the properest man in America to have been sent to Europe on Public affairs. his perfect knowledge of the Language in vogue, his great general knowledge, his professd religion, all would have made him infinitely more suitable than any we have yet had here, setting aside the

²⁶ The frigate *Hancock*, commanded by John Manly, was surrendered on July 7, 1777, after a lengthy engagement. Fort Ticonderoga was surrendered in July 6, 1777.

²⁷ General Benedict Arnold's expedition, to which Carmichael referred, was directed against St. Leger who was besieging Fort Stanwix. It should be noted that within two weeks after Carmichael wrote this letter Burgoyne was defeated at Saratoga.

²⁸ Arthur Lee was also appointed Minister to Prussia and Austria.

great reputation of Dr. Franklin²⁹—I observe a jealousy in these courts of all men who have been established or who have ever formed party connections in England. It is the same case, without any reason, at the court of Prussia. Mr A. L.[ee] followed me thither & remained a month or more without coming to any thing decisive. He was at last civilly dismissed & the King has thought proper to treat with the gentleman at Paris—I wish you would urge your friend Mr Morris to send in the Spring of the Year some of his Tobacco Vessels North about to Embden.³⁰ It will be the best way to escape the English cruisers & will effectually serve us with that Court. I would also intreat you to assure Mr Morris, that Mr Deane was urged often & frequently by others Not only Americans but People of the first characters here to write Congress respecting the conduct of his Brother, before he did write & when he did, he was chiefly induced to do it by Representations of Mr A. L. then at Nantes & who urged his Collegues in the strongest manner to do it.³¹ The Congress have appointed Commissioners at different Courts without naming Secretaries to any, altho' it is a public appointment & an appointment often of more real consequence than that of the Commissioner, since thro' his agency all intelligence is procured & in case of Death he succeeds pro tempore to all the functions of the Commissioner. I did hope that in consequence of Mr Deane & since of Dr Franklin's letters that I should have been appointed or rather confirmed in an office which I have filled for more than 15 months without salary or perquisite whatever But as they have neglected to name any one—and as I do not chuse to be considered in the light of a private Secretary, I am coming over to make a campaign under Your orders, if I can not do better, better I may do in point of Interest, tho' not in point of pleasure, for I would rather expose my person a thousand times to danger, than my mind to the anxieties it has suffered for these 2 years past.³²

There is a man here whom the Congress instructed Mr Deane to Consult with & whom they have since totally neglected the person I speak of is Dr Bancroft fellow of the Royal Society and well known for his Literary merit.³³ He was the Source from whence we drew all or most of our

²⁹ Charles Carroll of Carrollton (1737-1832).

³⁰ Robert Morris (1734-1806) was, at this time, engaged in buying tobacco to export to Europe at the direction of the Continental Congress.

³¹ Thomas Morris, brother of Robert Morris, had been appointed commercial agent at Nantes by the Continental Congress. His drunken and debauched way of life and the suspicion of irregularities in his accounts, not only caused scandal but was detrimental to the work of the Commissioners. They finally requested his removal, but Morris died in 1778 before Congress could act.

³² He was finally given an official appointment as secretary on November 28, 1777, but left Europe before receiving the news. *The Revolutionary Diplomatic Correspondence of the United States* (Washington, 1889), ed. by Francis Wharton, II, 431.

³³ Edward Bancroft (1774-1821), writer, inventor and spy, was attached to the American Commissioners as a Secretary and was drawing £1000 from the British government for reporting the activities of the Commission. Bancroft's activities were completely unsuspected throughout the revolution. It was not known that he

Intelligence last summer & winter from England, from which country he was obligd to fly on acct of his connections with us. By these means he has lost a comfortable Subsistance, and is thrown on the world to seek a new way of gaining a livelyhood—If he did not merit the confidence of Congress so far as to hold an office under them, yet as in consequence of their notice, he has lost his all, he ought to be considerd, but I know no one in Europe more deserving on account of his political knowledge & his zeal in the Service than this Gentleman—You may judge of my opinion of him when I assure you I would sacrifice any hopes I might have myself of being imployd, to make way for him. As I am conscious he can serve the cause (which is all with me) as well as any Man here—I beg you will be kind enough to aid a worthy Man into notice, who having nothing but merit to recommend him, May without such assistance, have reason to repent his ever having been honor'd with the Notice of Congress. The Crops are tolerable & even plentyfull in most parts of Europe and there is no appearance of rupture between any of the powers thereof. Indefatigable pains have been taken by the King of England to keep all quiet here He has wrote himself to the King of France in the expostulating tone of Freindship on the conduct of his Ministers for contenanancing his rebellious subjects. He has prevaild on the Empress Queen to write to the Queen her Daughter to Influence her conduct in his favor. While the Empress lives I beleive we shall have little notice from the Court of Vienna. The Emperor has great Ideas but he is in trammels. It is with her hereditary dominions that we should have any intercourse. When at Brussels, I saw two or three of the council for the Low Countries & knew pretty well the Confessor of Prince Charles of Lorain the Governor. By these I was informed that the Council was well disposd as was the Prince to incourage our commerce to their Ports, but that the Queens orders were very explicit against us—The Confessor was an ex Jesuit, I flatterd him with the toleration his order & religion receivd in our province particularly & generally thro the other States. He declard he would take every opportunity to insinuate to his penitent the Justice of our cause & the interest of the Empress to protect & incourage our commerce. But one battle gaind in America, will do us more good than all our memoirs & negotiations—You therefore have both the boredom of fighting and negotiating on your hands. I hope you will be more successfull than we have been. This whole nation must however be credited for their good will to the cause there is not a day passes, but that I hear their Minister a thousand times execrated for his System of Politics. Never was there an occasion on which they were so eager for war—Some considerable supplies will certainly be sent you—I shall myself come out I expect in a 60 gun ship which brings troops to the West Indies, from whence I shall proceed in her with a good Supply of brass Artillery musketts cloathing &c. for our Army. I hope you are pleasd with the Marquis La Fayette. He must not be placd in the role of adventuers who

was a spy until long after his death. Lewis Einstein, *Divided Loyalties* (Boston, 1933), pp. 3 ff.

have cursd you so much with their offers of Service. His freinds are of high rank & great consideration in this country & espouse our cause warmly at Court. His fortune is splendid & he has the character of being the most rising young man of the Age. The Acc^t he gives of his reception as favorable or not so will affect us considerably here. I have receivd a thousand civilities from his Family & I really Love & Esteem him. I hope you find the Generals Conway & Der Kalb of service, they were the only men I wishd in the Service, excepting the Marquis & him on acc^t of his Family connections & because his going out shoud the English Nation on what footing our affairs stood in France ³⁴—I happily was in Germany when all of them ingagd nor did I know them till after they were ingagd, so that you must not look on me as an adviser of the measure—

Indeed most of them were forcd on Mr. Deane by the Ministers here & while he was solliciting favors, he could not refuse to oblige. Press our cruisers to be sent to these Seas. England is no where so vulnerable as near home. They ought to be of Force, that is between 20 gun ships & Frigates, for a number of cutters from 12 to 18 guns & well manned lately equippd will effectually distroy our trade & small privateers on this coast. The Lexington is lately taken by one of these—after an engagement of 6 hours ³⁵—The French coast is so guarded that it will be highly proper for our Merchts. to send part of their ships in the Spring to the Northern ports of Europe, I mean the Ports of Sweden & Prussia. Meerstrandt & Embden—It will likewise [be] necessary to suggest to some of your freinds in Congress, that printed instructions should be given to the officers of public & private ships of war on their arrival in European Ports to inform the Commissioners & to conduct themselves discretely & prudently which some Captains of Private Ships of War have by no means done—If any thing could be done to releive these unhappy people who have been taken & confind in England it is an object highly worthy of the attention of Congress Inclosd you have a letter which will show you their distress—Thus my Dear Sir Have I endeavord to throw out to you some hints for your own private information which you may make what use of you please Depending that every thing I have mentiond to you proceeds from close attention to facts. Your Brother in Law Dick Loyd will leave England this month, the bad state of health of his wife has hitherto prevented him. Mr Izzard to whom I am glad the Congress have given an appointment, has been here some time. Had he not have receivd this appointment [he] would have come to America with me—³⁶

Loyd Delany I am told flatters himself to come out Lieutenant Governor

³⁴ Thomas Conway (1735-c. 1800), Irish born military leader, received a commission from Silas Deane. He was the leader of the Conway Cabal, an unsuccessful movement to oust Washington as commander-in-chief in the winter of 1777-1778.

³⁵ The *Lexington*, a continental brig, commanded by Captain Henry Johnson, was compelled to strike her colors on September 19, 1777, after a brief engagement when her ammunition supply was exhausted.

³⁶ Ralph Izard (1741/2-1804) of South Carolina was appointed commissioner to Tuscany in 1777, but was never received by that court and remained in Paris.

of Maryland, What will you give him for his salary. his office I beleive will be like L^d Littletons *in air*.³⁷ I have now only one request to make you, which is to do justice to my conduct & sentiments on all occasions, that I may not be lookd on, because unfortunately absent when the war began, as one of those parricides who incessantly urge the desolation of their county or even as one of those lukewarm animals who tamely behold its ruin, without having a wish to mingle in the glorious contest. I write to few other freinds therefore I beg you to remember me to them all in the proper manner & to beleive me with much [warmth?] & esteem
Dear Sir

Your freind & humble Ser^t.

W^m. Carmichael

Paris October 8th. 1777

You must excuse my inaccuracies for I must send this for want of time to make different copies.

³⁷ Lloyd Dulany, Maryland Loyalist, went to England where he was killed in 1782 in a duel with Rev. Bennet Allen, also from Maryland, Josephine Fisher, "Bennet Allen, Fighting Parson," *Maryland Historical Magazine*, XXXIX (1944), 66-71.

THE JUDICIAL MODIFICATIONS OF THE MARYLAND BLACK CODE IN THE DISTRICT OF COLUMBIA

By WILLIAM FRANK ZORNOW

During the anti-slavery controversy before the Civil War many abolitionists directed their chief attention to securing freedom for the Negroes in the District of Columbia. The actual number of slaves involved was really not great, for on the eve of the war they constituted not more than four per cent of the total population of the District.¹ The chief importance of the abolition of slavery in Washington, therefore, lay not in the number of Negroes who would be freed, but in the great victory in principle which the abolitionists would win. Slavery in the capital was of great propaganda value to the abolitionists. The question of slavery in the District had been raised constantly during the years before the war. Whenever popular interest in the national slavery question seemed to lag the abolitionists sought to revive it by calling attention to conditions in the capital. Since Congress had exclusive legislative power over the District the anti-slavery leaders could see no reason why the law-makers should not abolish the hated institution there.

The abolitionists felt that the capital was the "head of the body politic and the soul of the national system" and, therefore, anything done there regarding slavery would have considerable significance for the cause of freedom throughout the nation.² The American Anti-Slavery Society pledged itself to "influence Congress to . . . abolish slavery . . . in the District of Columbia." The anti-slavery leaders often argued that the question of the abolition of slavery in the District was the only objective upon which "all

¹ Joseph G. Kennedy, *The Population of the United States in 1860 . . . the Eighth Census* (Washington, 1864), I, 600-604.

² *National Intelligencer*, August 21, 1830.

classes, Abolitionists, Colonizationists, Mongrels, and Nothingarians can agree." They urged everyone to unite and send petitions to Congress demanding that slavery be abolished. "Here is the place to begin," wrote one abolitionist journal, "and we beg, in the name of suffering, bleeding humanity, that those who are now expending their strength and ingenuity against Colonization would occupy this field . . ." ³ The petition campaign reached its peak in 1828-29, and finally Congress was forced to take action and declare that abolition was inexpedient at that time.

The question of slavery and its abolition in the District of Columbia was discussed repeatedly by both partisans and enemies of the institution. It was felt by many friends of slavery that abolition would be a good thing because the institution was being judged and condemned on the basis of what visitors saw happening to Negroes in the nation's capital. As W. E. B. DuBois wrote with undeniable accuracy the "nation and the world . . . judged [slavery] largely from what they saw" at Washington.⁴ The abolitionists, on the other hand, desired the end of slavery in Washington because it would represent to them a symbolic triumph over the institution as a whole. Whatever the motivation may have been, no problem was more fully discussed in and out of Congress than the problem of slavery in the District of Columbia. It is difficult to disagree with Gilbert H. Barnes when he observed that Slavery in the District of Columbia was "the Achilles' heel of the entire institution." ⁵

Those who attacked slavery in the District directed their chief efforts against the Black Code which regulated the institution. This code was originally adopted *in toto* from the Maryland state code. The abolitionists denounced the code for its inhuman provisions regarding the treatment of slaves. Much of this denunciation was misdirected, for in reality by 1860 the original code no longer existed, because it had been subjected to sixty years of judicial modification by the mildly anti-slavery Circuit Court of the District of Columbia. In actual practice the code had been so altered that the Negroes were generally very decently treated. Thus, in pointing to the Washington Black Code as an example of

³ Gilbert H. Barnes, *The Anti-Slavery Impulse, 1830-1844* (New York, 1933), p. 131 quoting the *Ohio Observer*.

⁴ W. E. B. DuBois, *Black Reconstruction* (New York, 1935), p. 562.

⁵ Gilbert H. Barnes, *op. cit.*, p. 109.

the unmitigated harshness with which slaves were treated, the abolitionists were in reality uttering false accusations. It is the purpose of this article to examine briefly some of the judicial modifications of the Black Code to show that the abolitionists' propaganda was an effort to rouse popular resentment against conditions which no longer had any existence in fact.⁶

On February 27, 1801, Congress enacted a law which continued all the civil and criminal law in force in Maryland on the first Monday of December, 1800, as the legal system of the District.⁷ In order to save the time which would have been consumed in compiling a new code, Congress decided that the Maryland laws governing negroes which "had sufficed for a hundred years" should be adopted for Washington.⁸

It is true that the Washington Black Code by 1860 had lost its harsher aspects through sixty years of judicial modification, but it is undeniable also that at the time of its adoption the code was unjust, outmoded, and unworthy of the nation's capital. As will be seen later, even the courts in Maryland had recognized the unjustness of the code and were also in the process of altering it by judicial interpretation. The agitation against the code shortly after its adoption was entirely justified. Two questions might logically be raised: first, why was the code adopted at all if it was unjust; and secondly, assuming it to be unjust, did Congress make any attempts to modify it by legal action?

In answer to the first question we must say simply that the code was adopted because Congress was concerned with providing the District with a complete civil and criminal legal system in the shortest possible time. It was also felt advisable to continue in force a legal system with which the majority of people were familiar. It must also be remembered that the Black Code was only a minor part of the whole system adopted; in fact, during the debates in Congress over the adoption of the legal system no reference was made to the Black Code at all.

It is not within the scope of this paper to answer fully the

⁶ Worthington G. Snethen, *The Black Code of the District of Columbia* (New York, 1848). This interesting document was published by the American and Foreign Anti-Slavery Society. It was given wide circulation throughout the northern states. It simply reproduces the various Maryland statutes comprising the code, but it does not in any way attempt to show the many judicial modifications.

⁷ *United States Statutes at Large*, II, 103-108. (Hereinafter cited as *U. S. Stats.*).

⁸ *Register of Debates*, 6 Cong., 1 session, 869-873.

second question.⁹ During the period from 1801 to 1860 various proposals were made in Congress to reform the Black Code but each failed. It was this persistent failure on the part of Congress to revise the code which furnished the anti-slavery faction with its ammunition to attack the institution.

In 1816 William Cranch was appointed to head a committee to reform the code. After a careful investigation, he presented a new code to Congress which would have abolished most of the harsher aspects of the Maryland code. However, because of more urgent business Congress failed to act on Cranch's recommendation. In 1830 a second attempt was made to reform the code. The House Committee on the District of Columbia reported that the code was "only suited to the barbarous ages" and was "revolting to humanity" and called for a complete revision. As a result of these recommendations Congress passed the Penitentiary Act of 1831.¹⁰ This act, although it abolished the excessive penalties imposed on free Negroes and whites, did nothing for slaves. The debate centered around the advisability of substituting imprisonment for the harsher punishments of branding and cropping which were prescribed in the old code. It was argued that imprisonment actually punished the master instead of the slave, and as a consequence after prolonged discussion the whole matter was lost. The final attempt to reform the code came during the period 1855 to 1857. Congress appointed a new commission to draft an entirely new legal system for the District, but the new system was rejected by a popular referendum.

Thus the three major attempts to reform the Black Code failed. The harsh Maryland code still remained upon the statute books in 1860. The abolitionists went on pointing to the code as an example of the deplorable way in which the Negroes were being treated. When the great petition campaign failed to achieve its desired objectives, one abolitionist asked what was to be expected from Congress—"a thing of tail, nearly all tail, with a little

⁹ The best study available on the whole problem of emancipation in the District of Columbia is Alfred G. Harris, "Slavery and Emancipation in the District of Columbia, 1801-1862" (Unpublished Ph.D. Dissertation, Dept. of History, Ohio State University, 1946). Mr. Harris's study is an indispensable requirement for understanding the anti-slavery controversy concerning the national capital. It can be supplemented with Mary Tremain, *Slavery in the District of Columbia* (New York, 1892).

¹⁰ *House of Representatives Report No. 269, 21 Cong., 1 session, "Laws for the District of Columbia," 1-7; U. S. Stats., IV, 450.*

popularity hunting head? . . . It will abolish slavery at the Capital when it has already been doomed to abolition and death everywhere else in the country."¹¹ While Congress failed to act on abolition or the alteration of the Black Code, other forces were quietly at work improving the lot of the Negro slave.

The Maryland code which was adopted in Washington was a collection of acts which had been passed by the state assembly beginning in 1715. During the eighty-five years which elapsed from its first enactment to its adoption by Congress much of it had become obsolete and outmoded. In 1801 it was badly in need of complete modernization, but it was adopted by Congress with no revision whatever. In spite of its many shortcomings the Maryland code was decidedly humane in many of its dealings with the Negroes. An early law of 1715, for example, provided for the punishment of any master who failed to provide his slaves with the necessities of life, or who burdened them with excessive labor and denied them adequate rest.¹² No master was permitted to administer punishment exceeding ten lashes of the whip and severer penalties could only be administered by the justices of the peace. Violation of this statute was punishable by a large fine for the first two offenses, and on the third offense the slave was to be granted his freedom. An act of 1752 provided that all masters were to take care of slaves who were no longer able to work.¹³

The Maryland code also provided for the manumission of slaves by masters who might desire to set them free by the terms of their last will and testament.¹⁴ The code further declared that any Negro who had grounds for claiming his freedom could obtain a counsel, who was then authorized to summon the person holding the slave to appear in court and prove his right to the Negro.¹⁵

These portions of the code were unquestionably fair in their treatment of the slaves. The other sections of the code, however,

¹¹ Gilbert H. Barnes, *op. cit.*, p. 148 quoting the *Herald of Freedom*.

¹² William Kilty, *The Laws of Maryland, 1689-1801* (Annapolis, 1802), I, 1715, Ch. XLIV, sec. 21. (Hereinafter cited as *Laws of Maryland*). One might also read, William H. Browne, *Archives of Maryland* (Baltimore, 1883-), XXX, 283-292, "An Act Relating to Servants and Slaves." (Hereinafter cited as *A. of Md.*).

¹³ *Laws of Maryland*, I, 1752, Ch. I, sec. 1; *A. of Md.*, I, 76-78, "An Act to Prevent Disabled and Superannuated Slaves being set Free, or the Manumission of Slaves by Last Will or Testament."

¹⁴ *Laws of Maryland*, II, 1796, Ch. LXVII, sec. 29-30. All slaves who were freed in this manner were given certificates of manumission. See also *Ibid.*, I, 1752, Ch. I, sec. 2.

¹⁵ *Ibid.*, II, 1796, Ch. LXVII, sec. 21-25.

did not reflect such interest in the protection of the Negro, but were rather designed to protect the whites against their slaves. The assembly of 1751 examined the slave statutes and concluded that they were "insufficient to prevent their committing great crimes and disorders" and called for additional laws to "keep them in proper bounds." The assembly then proceeded to enact laws providing the death penalty for all slaves charged with inciting rebellion, or having committed murder, rape or arson. All outlaw slaves were to be killed on sight if they showed signs of resisting arrest. Any slave who was caught away from his master's house without proper authorization was to be whipped or branded.¹⁶ Such penalties were to be found in all the Black Codes of the times.¹⁷ The same penalties were also meted out to white prisoners for the most trivial crimes, and in the case of white prisoners the death penalty was mandatory for thirteen offenses.¹⁸ In the light of mid-nineteenth century standards such punishments tended to appear grossly excessive. The abolitionists pointed to these laws as examples of the bad treatment accorded to Negroes, but they neglected to indicate that such penalties were seldom inflicted during the nineteenth century.

The Washington Black Code was, therefore, a combination of acts some of which were humane in their treatment of the slaves and some of which were severe. After the code was adopted many had recognized the desirability of lessening the harsher aspects, and long before the abolitionists began to call attention to the code, forces were already in motion to mitigate its harshness. Much was done by the local justices of the peace, but unfortunately since few of them left records we are unable to estimate more exactly the full extent of their humanitarian work. Many of the municipal ordinances enacted in Washington were also instrumental in lessening the worse features of the code, but the principal work was done by the District's Circuit Court.

¹⁶ *Ibid.*, I, 1751, Ch. XIV, sec. 1-9. See also an earlier law of 1723 which was directed against slaves "who absent themselves from their master's service and run into the woods." These slaves could be killed if they resisted arrest, and the killer was absolved of all guilt. *Ibid.*, I, 1723, Ch. XV, sec. 7; See also *A. of Md.*, XXXIV, 731-733, XLIX, 618-621.

¹⁷ *Laws of Maryland*, I, 1715, Ch. XLIV, sec. 32; I, 1723, Ch. XV, sec. 4; I, 1729, Ch. IV, sec. 2; 1751, Ch. XIV, sec. 2. See also *A. of Md.*, XXXVI, 454-455.

¹⁸ *Laws of Maryland*, I, 1720, Ch. XXV, sec. 2; I, 1737, Ch. II, sec. 2. See also *A. of Md.*, XXXIV, 116, XI, 86-87.

The United States Circuit Court of the District of Columbia was one of the most important agencies in regulating the relationships of slaves and their masters. The Black Code actually vested most of the jurisdiction over the slaves in the hands of the justices of the peace, but the Circuit Court was given jurisdiction over criminal cases. It also dealt with the Negroes through its authority over civil matters. In the latter case, however, the Negroes were more frequently affected indirectly by decisions involving white litigants. For forty years before the outbreak of the Civil War this court was presided over by William Cranch, who was described as an "upright and enlightened judge."¹⁹ He was a man of moderate anti-slavery views and together with his colleagues he did much to modify the Maryland code.²⁰

The Circuit Court handled Negro cases involving capital offenses. The abolitionists claimed that the slaves were compelled to submit to excessive punishments, but during the sixty years preceding the outbreak of the Civil War the court sentenced only one Negro to death.²¹ This would seem to refute the abolitionists' claim. On another occasion when dealing with a case in which the death penalty was mandatory the court remanded the defendant to a justice of the peace for trial. As a consequence the Negro escaped the death penalty, for, by law, a justice could administer only light corporal punishment.²²

The Circuit Court considered few cases in which slaves had been abused since these were handled by the justices of the peace, but whenever they were given the opportunity to preside at such a case the circuit judges extended the laws in the direction of greater

¹⁹ E. A. Andrews, *Slavery and the Domestic Slave Trade* (Boston, 1836), p. 122.

²⁰ Cranch's opinion of the Black Code was once requested by Congress. In his letter he explained the composition of the code: "The laws thus adopted consisted of so much of the common law of England as was applicable to this country; of Bills of rights, Constitution, and statutes of Virginia and Maryland, modified by the Constitution and laws of the United States, and also (in regard to that part of the District which was ceded by the State of Maryland) of such of the English statutes as existed at the time of the first immigration to Maryland and which by experience had been found applicable to their local and other circumstances, and of such others as had been since made in England or Great Britain, and had been introduced, used, and practiced by the courts of law or equity in that State." Mary Tremain, *op. cit.*, p. 300, quoting *Annals of Congress*, 1818-1819.

²¹ William Cranch (comp.). *Reports of Cases in the United States Circuit Court of The District of Columbia From 1801-1841* (Boston, 1852), II, 66 (United States v. Patrick). (Hereinafter cited as *C. C. Reports*).

²² *Ibid.*, II, 640 (United States v. Calvin et al.); *Laws of Maryland*, I, 1715, Ch. XLIV, sec. 21.

humanitarianism. Cranch handed down the dictum that "the property which a man has in his slaves is not of the same nature as his property in a horse. It is only a right to his perpetual service." Acting on this assumption Cranch ruled that a master who beat his servant was guilty of an indictable offense.²³ Subsequent decisions permitted a master to administer reasonable punishment to a recalcitrant slave but severely penalized unwarranted cruelty.²⁴

The Maryland code had provided that the Circuit Court was to deal with all questions involving the manumission of slaves.²⁵ Taking advantage of this power the court frequently intervened to prevent unscrupulous masters from freeing their old slaves in order to avoid the legal responsibility of caring for them when they could no longer work.²⁶ In hearing petitions for manumission the judges were exceedingly lenient toward the Negroes and frequently permitted many irregularities in the court procedure.²⁷ In order to render a decision favorable to the Negro petitioner the judges were not unwilling to admit unattested documents and even hearsay evidence in his behalf.²⁸ The United States Supreme Court finally put an end to this rather injudicious practice by ruling that hearsay evidence was inadmissible.²⁹ When considering a petition for freedom the Circuit Court also took precautionary measures to see that the Negro would not be carried from the jurisdiction of the court while the case was pending. The Negro's master was required to post a bond to guard against such a contingency.³⁰

The circuit judges not only sought to free as many slaves as possible by a liberal interpretation of the laws governing manumission, but they also sought to interpret the laws governing their importation as narrowly as possible. A Maryland law of 1796 was

²³ *C. C. Reports*, I, 373, (*United States v. Isaac Butler*).

²⁴ *Ibid.*, IV, 470 (*United States v. Richard B. Lloyd*); Alfred Harris, *op. cit.*, p. 18.

²⁵ *Laws of Maryland*, II, 1796, Ch. LXII, sec. 29-30; I, 1752, Ch. I, sec. 2.

²⁶ *C. C. Reports*, I, 597 (*Wigle v. Kerby*).

²⁷ *Laws of Maryland*, II, 1796, Ch. LXVII, sec. 29; *C. C. Reports*, IV, 189 (*Samuel v. Childs*).

²⁸ For cases in which hearsay evidence was permitted see: *C. C. Reports*, II, 95 (*United States v. Bruce*); II, 23 (*Davis v. Forrest*); II, 3 (*Priscilla Queen v. Neale*).

²⁹ B. R. Curtis, *Reports of Decisions in the Supreme Court of the United States* (Boston, 1855), II, 535 (*Mima Queen and Child v. Hepburn*).

³⁰ *C. C. Reports*, I, 318 (*Ex parte Letty*); II, 156 (*Love v. Boyd*).

the basic statute in force in the District governing the importation of slaves. It prohibited the importation of "any Negro, mulatto, or other slave for sale or to reside" and freed all those who were brought in contrary to the law.³¹ Thus, in 1801, when Congress adopted the Maryland code regulating Negroes it inadvertently abolished interstate traffic in slaves. The Circuit Court was quick to rule that the District was now a separate jurisdiction under the control of the United States and by substituting the term "District of Columbia" for the term "State of Maryland" it thus declared that the importation of slaves was to stop.³²

In March, 1802, however, Congress amended the law of 1801 and once again permitted the importation of slaves from Maryland and Virginia into the District.³³ The Circuit Court soon ruled that slaves from Maryland might be introduced only into the part of the District ceded by that state and not into the Virginia cession. Conversely, slaves from Virginia could be imported only into Alexandria and not into Washington. Masters already owning slaves in Alexandria were also forbidden to export them to Washington for sale.³⁴

In 1812 Congress nullified the interpretation which the District's Circuit Court had given to the statute of 1802 by a new law which declared, "hereafter it shall be lawful for any inhabitant . . . in either of the said counties [Washington and Alexandria, D. C.] owning . . . any slave to remove the same from one county into the other . . ." ³⁵ Thus Congress sought to provide for the free transfer of slaves from one part of the District of Columbia to another without the restraint imposed previously by Cranch's court. The Circuit Court again rendered the narrowest possible interpretation of the new law. The court ruled that only

³¹ *Laws of Maryland*, II, 1796, Ch. LXVII, sec. 1-3. Any *bona fide* settler from another state was permitted to bring his slaves into Maryland within one year, but they could not sell them before three years or the slave was to be free.

³² *C. C. Reports*, I, 16-19 (*United States v. John Hammond*). The court ruled that the District was completely severed from Maryland and was now a separate jurisdiction under the control of the United States.

³³ *U. S. Stats.*, II, 193-195, sec. 7. The act provided that "nothing in the Act of February 27, 1801 be construed so as to prohibit the owners of slaves to hire them within or remove them to the said District in the same way as practiced prior to the passage of the above recited act." The wording of the new act meant that slaves might be introduced into the District only from the States from which it had been made.

³⁴ *C. C. Reports*, I, 316 (*Negro William Foster v. Simmons*).

³⁵ *U. S. Stats.*, II, 755.

a *bona fide* citizen of either Washington or Alexandria counties who changed his residence from one of them to the other could bring his slaves with him. Any slave moved from one county to the other under any other circumstance was to be freed.³⁶

In addition to limiting the movement of slaves from one county to another the court also sought to enforce a Maryland statute of 1796 which provided that permanent settlers who changed residence must bring their slaves to the new abode within a year and must domicile them there for three years before offering them for sale.³⁷ Whenever this law was not followed precisely the court ruled that the slaves in question were to be freed.³⁸

The Maryland code permitted the movement of slaves through the District on their way to the lower South and even permitted their temporary quartering in depots in the city. Such practices were so explicitly authorized by law that the court could in no way interfere with this system.³⁹ The court, however, did as much as it possibly could to hinder the movement of slaves by preventing all dealers from completing any contracts for the disposal of slaves bound for the South while within the boundaries of the District. The trader was required to complete his original purchase at the place in which the slave was obtained. Only Maryland slaves were exempted from this. Consequently the only slaves offered for sale in the District were from that State. Slaves from Virginia were offered for sale in Alexandria county.⁴⁰

Another phase of the Maryland code which was modified by the judicial interpretations of the Circuit Court pertained to the laws governing the admission of Negro testimony in court. The Maryland code provided that no slave or free Negro (except mulattoes born of a white woman and not under service) could testify against any white Christian. The Circuit Court interpreted this law to mean not only that mulattoes born of a white woman were, as far as giving evidence in court was concerned, to be

³⁶ *C. C. Reports*, IV, 643 (Negroes Sam and Barbara Lee *v.* Elizabeth Tooker); IV, 641 (Negro Fenwick *v.* Tooker).

³⁷ *Laws of Maryland*, II, 1796, Ch. LXVII, sec. 2, 3.

³⁸ *C. C. Reports*, I, 370 (Burr *v.* Dunnahoo); I, 482 (Negro Harry Davis *v.* John Baltzer); II, 373 (Negro William Jordan *v.* Lemuel Sawyer).

³⁹ *Laws of Maryland*, II, 1796, Ch. LXVII, sec. 4.

⁴⁰ *C. C. Reports*, II, 373 (Negro William Jordan *v.* Lemuel Sawyer); III, 296 (Negro John Battles *v.* Thomas Miller); William T. Laprade, "The Domestic Slave Trade of the District of Columbia," *The Journal of Negro History*, XI (January, 1926), 17-35.

considered white, but also claimed that if a Negro acted as a free person for a long time it was to be construed as *prima facie* evidence that he was the child of a white woman.⁴¹

In one of the first cases of the above type the court ignored the restrictions of the law and declared that "free Negroes not in a state of servitude are competent witnesses in all cases . . . color alone does not disqualify a witness in any case."⁴² Thus in the majority of cases of this type the court admitted evidence by colored persons on a basis of equality with that of whites.⁴³ The court did not, however, admit the testimony of slaves against either white or colored free persons, but in a few cases the court permitted slaves to testify on behalf of free Negroes when other evidence was unobtainable.⁴⁴

In evaluating the role of the Circuit Court in the modification of the Maryland Black Code it would be impossible to disregard the important decisions handed down by that court in the matter of the rendition of fugitive slaves. The fugitive slave law of 1793 and the later act of 1850 were extended over the District by Congressional action, but the actual procedure in use in Washington followed that established by the laws of Maryland.⁴⁵

The Maryland laws concerning the rendition of fugitive slaves were the product of eighty years of evolutionary development. They had never been revised so consequently many of them had become obsolete by 1860. The early laws provided that any person, white or colored, who was found beyond the limits of his county without a pass might be arrested and taken before a justice. If it was proven that the person was a servant, his master was notified of his capture. The master in turn could claim his servant after paying the legal charges and fees.⁴⁶ If no owner appeared and the servant was not claimed after being duly advertised, the sheriff was empowered to sell his labor to the highest bidder.

⁴¹ *Laws of Maryland*, I, 1717, Ch. XIII, sec. 1; *A. of Md.*, XXXIII, 111; *C. C. Reports*, I, 370 (*Michim v. Docker*).

⁴² *C. C. Reports*, I, 517 (*United States v. Mullany*).

⁴³ *Ibid.*, I, 244 (*United States v. Fisher*); II, 94 (*United States v. Douglass*); II, 241 (*United States v. Neale*).

⁴⁴ *C. C. Reports*, I, 371 (*United States v. Shorter*); I, 318 (*United States v. Terry*). For other examples see: *Ibid.*, I, 148 (*United States v. Swan*); I, 521 (*United States v. Peggy Hill*); II, 275 (*United States v. Butler*). The court was usually reluctant to admit the testimony of slaves against freemen of either race.

⁴⁵ *U. S. Stats.*, II, 116 sec. 6; IX, 465, sec. 10.

⁴⁶ *Laws of Maryland*, I, 1715, Ch. XLIV, sec. 6-9. The fee was set at two hundred pounds of tobacco.

From the money thus collected the sheriff paid all necessary expenses and turned the balance over to the slave's master when he finally appeared.⁴⁷

Such laws were unquestionably severe on the fugitives, but more important than this, the law was susceptible to abuses against men who were proven to be free. The law provided that any person arrested and then found to be free was to be released after paying the apprehension fee. The law stipulated that if the person in question refused to pay the fee "he shall make satisfaction by servitude or otherwise as the justices of the provincial and county courts . . . shall think fit."⁴⁸ Thus it can be seen that any free Negro who was arrested without proper papers might have been sold as a slave for life if he were unable to pay the apprehension fee.⁴⁹ The abolitionists often claimed that free Negroes were thus seized and resold into a life of slavery under the code. There seems to be little evidence to support such a contention.⁵⁰ The deplorable possibility that a free Negro might be arrested and sold into slavery was partially obviated by the fact that the laws governing manumission provided for an official registration of all free Negroes. The free Negro could then carry a duplicate of these "free papers" and could thereby readily prove his status to any official who might make inquiries.⁵¹

The judges of the Circuit Court began to interpret the Maryland laws governing fugitive slaves and modified them to meet the changing conditions of the country. They ordered that the marshal was to release any free Negro apprehended as a fugitive as soon as the fact of his freedom was established without the necessity of paying any fees. The court directed that the marshal was to communicate with the authorities in the county the suspect claimed to be from and to inquire into his actual status.⁵²

The court sought to help the Negroes in the District by changing the interpretation of the fugitive slave laws to meet new conditions. At a time when the majority of the Negroes in the District

⁴⁷ *Ibid.*, I, 1719, Ch. II, sec. 2. See also *A. of Md.*, XXXIII, 459-460.

⁴⁸ *Laws of Maryland*, I, 1715, Ch. XLIV, sec. 7.

⁴⁹ William Laprade, *op. cit.*, p. 17.

⁵⁰ For an excellent summary of the entire case see: Alfred Harris, *op. cit.*, pp. 24-32.

⁵¹ *Laws of Maryland*, I, 1752, Ch. I, sec. 1-3; II, 1796, Ch. LXVII, sec. 29-30.

⁵² *House of Representatives Report No. 43*, 19 Cong., 2 Session, "Free Negroes—District of Columbia," p. 5; *House of Representatives Report No. 60*, 20 Cong., 2 Session, "Slavery—District of Columbia," pp. 7-9.

were slaves the court upheld the Maryland code which declared that color was *prima facie* evidence of slavery.⁵³ Later when the majority of Negroes were free persons the court changed its ruling and claimed that the legal presumption of slavery could be refuted by proving that the Negro had acted as a free person for at least a year. This, of course, presupposed an absence of documentary evidence in the case.⁵⁴

In the 1830's William Cranch further ruled that the practices in regard to fugitive slaves had become outmoded since the legal presumptions of slavery based on color were no longer warranted by conditions. He, therefore, ruled that the procedure was to be reversed. No longer was an apprehended Negro required to establish his freedom, but the authorities were required to bear the burden of proof.⁵⁵

These few illustrations of the judicial modifications of the Black Code should be sufficient to demonstrate the inaccuracy of the abolitionists' attacks against its severity. By such attacks they were creating a wholly erroneous picture of the situation in the capital. In the propaganda campaign against slavery these men pointed to the Black Code of Washington as a typical example of how badly slaves were treated in the South. Such propaganda was misleading, for the actual status of the Negro in Washington was decidedly different from what the letter of the law indicated. It was largely due to the work of the District's Circuit Court that the more deplorable phases of the code ceased to exist. Most Northerners, however, remained pitifully unaware of the true situation. They continued to obtain all their misinformation from pamphlets which reprinted in the most expanded form all of the inhuman statutes and left the reader, who was unfamiliar with the real situation, to draw his own inaccurate conclusions.⁵⁶

⁵³ *C. C. Reports*, II, 21 (*Bell v. Hogan*).

⁵⁴ *Ibid.*, V, 35 (*United States v. Negro Priscilla West*).

⁵⁵ *Ibid.*, IV, 497-498 (*Runaways and Petitions for Freedom*). See also *Ibid.*, V, 338 (*Negro William Richardson*) in which Cranch ruled that "The Maryland laws respecting fugitive slaves are not . . . applicable to the present state of society of the District of Columbia."

⁵⁶ There is an excellent summary of the abolitionists' propaganda in Alfred Harris, *op. cit.*, pp. 181-197. Harris writes: "In view of the fact that the abolitionists' strategy was to present slavery in an unfavorable light, they centered their attack upon its most vulnerable points. Thus most of the myth was concerned with the 'Black Code' and the slave traffic, both of which, here as elsewhere, were the least attractive adjuncts of the institution. In purporting to describe the Code their plan was to represent that the ancient and obsolete statutes were still actually in effect and to devote all of their attention to the letter of the law rather than to

If the code was being modified in the District, it was undergoing similar revision in Maryland as well. In fact, as early as the eighteenth century steps were being taken to alter some of the unjust penalties which were prescribed in the code. Much of this work was being done by the Governor and the Council. According to the state law all capital sentences, which were mandatory in cases of murder, burglary, rape and arson, could be passed by the local courts but had to be reviewed by the Governor and his Council before they could be carried out. We find repeated instances during the eighteenth century when the Council dealt leniently with the Negroes who were liable to capital punishment. The majority of the capital sentences during that period seem to have been rendered against Negroes. The Council sought in most cases to deal fairly with the slave in question and frequently granted a pardon when there was any doubt of his guilt. Frequently the justices who had sentenced the Negro to death would write to the Council explaining the extenuating circumstances of the case and urged the Council to set the mandatory death penalty aside. A case of this type occurred in December, 1763, when a Negro slave named Hannah was sentenced to death by the local court. The judge explained to the Council that "this is the first crime she has ever committed . . . [she] is very sorry for her offence [*sic*] and promises if she can be pardoned she will be truly honest and faithful for the future . . ." The justice recommended that she be pardoned, and the Council complied with his request. In another case in 1763 several Negroes were sentenced for attempted murder. The Council wrote to the owners and said that if they were willing to sell the Negroes out of the state sentence would be waived. A similar type of case is recorded in 1749. In fact, it was becoming very frequent in minor cases for the local courts to suspend sentence with the understanding that the slave was to be sold out of the state. Such a procedure was less common in cases involving capital punishment, but it was apparently becoming the standard procedure in cases of attempted murder. Negroes were often pardoned by the Council on petitions from their masters. The Council also set the penalty aside for minors. In October, 1748, the Council dealt with a murder case involving three slaves. Two were freed because of their extreme youth

the much more lax and more humane policies of enforcement which actually prevailed."

(twelve and fourteen years) but the third was sentenced to die because he had been "a notorious Rogue for some years." Another Negro in 1764 was freed on a murder charge because of the fact that he was "by the advice and Persuasion of some white persons prevailed on to commit the said Fact." Thus these few examples will serve to indicate that even in Maryland nearly half a century before the adoption of the code in the District some efforts were being made by the Council to temper justice with mercy at least in so far as it had jurisdiction to review capital crimes.⁵⁷ In modifying the code in the District William Cranch's court was simply acting on a precedent already established by the Maryland Council, which had shown increasing reluctance to enforce the letter of the law in every case.

In Maryland shortly before the Civil War capital punishment was abolished except in extreme cases. The barbarous punishments also fell into disrepute in that state and we find that imprisonment in the penitentiary was becoming the normal punishment meted out by the local courts. The treatment of the Negro in the Circuit court of Maryland probably improved greatly with the passing of the old forms of punishment such as branding and cropping. In the local magistrates court, however, there was still occasion for ill treatment. The slave often had to appear before the magistrate and his accuser shortly after the offense was committed. Tempers may have still been high, and there was great likelihood that the court might not be inclined to temper the letter of the law in such cases. Nevertheless, we find that the customary form of punishment meted out by the local magistrates for minor offenses was whipping and often the slave was required to be sold out of the state if he was a habitual offender.⁵⁸

Thus even though the Maryland Black Code continued to remain upon the statute book almost entirely unreformed, the local courts in the state and in the District where the same code was applied were performing their commendable task of altering its objectionable features by judicial modification.

⁵⁷ For the work of the Council in dealing with crimes involving capital punishment see the *Archives of Maryland*, XXV, XXVIII, XXXI, and XXXII. These volumes contain the proceedings of the Council during the eighteenth century. The cases may be found listed in the index under the headings, "burglary," "murder," and "disturbances."

⁵⁸ The best study of the treatment of the Negro in Maryland is Jeffrey R. Brackett, *The Negro in Maryland* (Baltimore, 1889), pp. 26 ff.

WILLOW BROOK, COUNTRY SEAT OF JOHN DONNELL

By EDITH ROSSITER BEVAN

Of the thirty or more fine country houses of well-to-do Baltimoreans which ringed the city a century and more ago only a handful now remain. Some of them like Mt. Clare, Homewood, Clifton and Mt. Royal are in public or semi-public possession and are maintained more or less in original state as testaments of the taste of their period. Most of them, like Montebello, described and pictured in our issue for December, 1947, Canton of the O'Donnells, Cold Stream of the Pattersons and Chatsworth of the Luxes, are gone and their sites given over to monotonous rows of houses. The growing city has engulfed and destroyed most of those that fire and neglect failed to annihilate.

It is surprising to find one of the remaining residences of that period, still possessed of much of its original elegance, serving a useful purpose though completely hidden from sight by the modern buildings of the charitable institution of which it is a part. This is Willow Brook, the home of the Donnell family from 1800 to the middle years of the century. It stands in West Baltimore, on the high ground at the southeast corner of Mount and Hollins Streets, in the block bounded on the east by Gilmor Street and on the south by Lombard Street. It is a part of the convent of the Sisters of the House of the Good Shepherd who moved into the old house in 1864 when the Convent was established in Baltimore.

Fronting northwesterly, the mansion sits somewhat above the present level of the street and is all but surrounded by modern buildings on either side and in front of it. It was incorporated in 1882 into a building abutting directly on Mount Street. The old house, with delicately wrought fan light above the entrance door, is now entered by crossing a transverse passage-way in the modern building, only a few steps from the street entrance of the convent.

John Donnell, the owner of Willow Brook, was one of many emigrants from England, Ireland or Scotland who settled in Baltimore after the close of the Revolutionary War. A number of these new citizens established themselves as merchants and being men of vision and enterprise they prospered with the quickly growing city. John Donnell's fleet of vessels carried cargoes between Baltimore and ports of Europe, Asia and the East and West Indies.¹

Prosperity brought a more luxurious mode of living. Men of wealth bought large tracts of land surrounding the city and on the rolling hills overlooking Baltimore and the harbor and the valley of Jones' Falls they built fine summer residences to which their families moved in early June. In the higher and purer air of Baltimore County they spent the warm months in comparative comfort and avoided the epidemics of cholera and yellow fever which struck city dwellers so swiftly and so savagely. Contemporary descriptions of these country seats invariably mention a large vegetable garden and extensive orchard; often the places were landscaped and planted with rare shrubs and trees. Scant record can be found today of these fine homes which contributed so largely to Baltimore's reputation for gracious hospitality.

Donnell (1752-1827) was the eldest son of William and Ellinor (Gamble) Donnell of Castletown, County Tyrone, Ireland. His mother's aunt was Sidney Gamble who married Hugh Smith about 1715. The Smiths emigrated to Pennsylvania and settled in Lancaster County. They were the grandparents of General Samuel Smith, defender of Baltimore in the War of 1812. Samuel Smith and his brother Robert had moved to Baltimore prior to the Revolutionary War and were men of wealth and importance. According to family tradition, John Donnell settled in Baltimore at the suggestion of his cousin, Samuel Smith.²

In 1798 when Donnell was forty-four years old, he married Ann Teackle Smith, the seventeen year old daughter of Isaac and

¹ "In the course of an important litigation it was said of John Donnell, who ranked with Robert Oliver as a great merchant, that his directions to his captain on a voyage that included ports of Europe and Asia during the wars on the continent, exhibited a varied knowledge and a vigor and breadth of thought that would have done honor to a statesman." John H. B. Latrobe, "Reminiscences of Baltimore, 1824," *Maryland Historical Magazine*, I, 118 (March, 1906).

² Full information on the early generations of the Donnell family has been generously supplied by Dr. Donnell M. Owings. This account is now in the files of the Maryland Historical Society.

Elizabeth Custis (Teackle) Smith of Northampton County, Virginia, where the wedding took place.³ Thorowgood Smith, a prominent merchant of Baltimore, who was to be the city's second Mayor and to serve two terms, was an uncle of the bride. He was not related to the other Smith family.⁴

In 1800 John Donnell bought two lots on Water Street from Mr. Thorowgood Smith, on which he erected his city residence.⁵ A few months later he became the owner of Mr. Smith's country seat, Willow Brook.⁶

Though chiefly associated with the Donnell family, Willow Brook was actually built in 1799 by Thorowgood Smith (1743/4-1810) a native of Accomac County, Virginia, who had come to Baltimore before the Revolution.⁷ A wealthy merchant, he operated vessels on the high seas and had a town house in the fashionable section of the town. In due course and perhaps in emulation of rival merchant princes, he built a new house at Willow Brook, previously so named, where he had presumably occupied a simple farm house. Unfortunately for Smith, he was branching out at one of the crises of our history. The outrageous seizure of American ships by French vessels acting with the Directory's approval threw our commerce into turmoil. Smith was a heavy sufferer from these captures. In February, 1800, he was obliged to declare himself bankrupt and to deed all his property to trustees for the benefit of creditors. Willow Brook passed into their hands and was offered for sale in the *Federal Gazette* of Baltimore, April 18, 1800, only a few months after its completion:

SALE BY AUCTION

On Monday

The 12th day of May, 1800, will be exposed to public sale on the premises, That beautiful, healthy and highly improved seat, within one mile of the city of Baltimore, called Willow Brook, containing about 26 acres of land, the whole of which is under a good post and rail fence, divided and laid off into grass lots, orchards, garden, &c. As this beautiful seat is pretty generally known, and the premises can be viewed at any

³ *Federal Gazette*, Baltimore, Oct. 25, 1798.

⁴ Statement of Mr. William B. Marye, to whom acknowledgement is made for other help in the preparation of this article.

⁵ Baltimore City Court House, Deeds, Liber W. G. No. 62, ff. 152, 155.

⁶ *Ibid.*, Liber W. G. No. 63, f. 407-9.

⁷ Wilbur F. Coyle, *The Mayors of Baltimore* (Baltimore, 1919), p. 15-17.

time previous to the day of sale, it is considered unnecessary to go into a minute description of the improvements and many advantages it has over any other country [*sic*] seat in the vicinity of the city. The mansion house is a new brick building, upwards of eighty feet front, completely finished last fall, in an elegant manner, having every apartment that can be necessary for a genteel family. The garden and orchard abounds with the greatest variety of the choicest fruit trees, shrubs, flowers, &c. collected from the best nurseries in America and from Europe, all in perfection and full bearing. The garden is now plentifully stocked with vegetables of all kinds, and a good spring crop in the ground. In the garden is a neat wooden house, with a twelve foot passage, and five rooms; a gardener's house, wash house, spring house, stable and carriage house, a fish pond well stocked with fish, and an elegant bath with two dressing drooms [*sic*], bath and spring house, well supplied with springs of fine soft water. Any person wishing to make a private purchase before the day of sale, may know the terms by applying to

BENTALOU & DORSEY, Auctioneers.

Willow Brook was part of a tract of land, Bond's Pleasant Hills, which Mr. Smith in 1785 had leased from Philip Rogers for a term of ninety-nine years.⁸ Mr. Donnell continued to add to his purchase by leasing 24 $\frac{1}{4}$ acres from Philip Rogers for a term of ninety-nine years at a yearly rental of £37 a year and by purchasing from several owners land which adjoined his rented property.⁹ In 1819 he merged the rent and extinguished the leasehold interest held by Mr. Rogers and became the absolute owner of a fifty-three acre country seat which he continued to call by the old name of Willow Brook. This property adjoined Dr. James Steuart's estate, "Maryland Square" and was bounded on the north by the turnpike to Frederick.¹⁰

The year after the Donnells were married Mrs. Donnell's elder sister, Mary Ann Drysdale, widow of Thomas Drysdale of Virginia, married William Gilmor, son of the great merchant, Robert Gilmor, Senior, whose country seat, Beech Hill lay a little north and west of Willow Brook.¹¹ The town house of Robert Gilmor was on Water Street next door to the Donnell home and apparently

⁸ Hall of Records, Annapolis, Baltimore County Deeds, Liber Y., f. 1.

⁹ Baltimore City, Deeds, Liber W. G. No. 64, ff. 127, 443. Also W. G. No. 78, f. 423.

¹⁰ *Ibid.*, Liber W. G. No. 151, f. 399.

¹¹ "A List of Marriage Bonds—Northampton Co., Va., 1706-1800," *Tyler's Quarterly*, I, 204 (Jan., 1920).



JOHN DONNELL

Master of Willow Brook, 1800-1827

Miniature by Elouis

Courtesy of the owner, Mrs. John McHenry

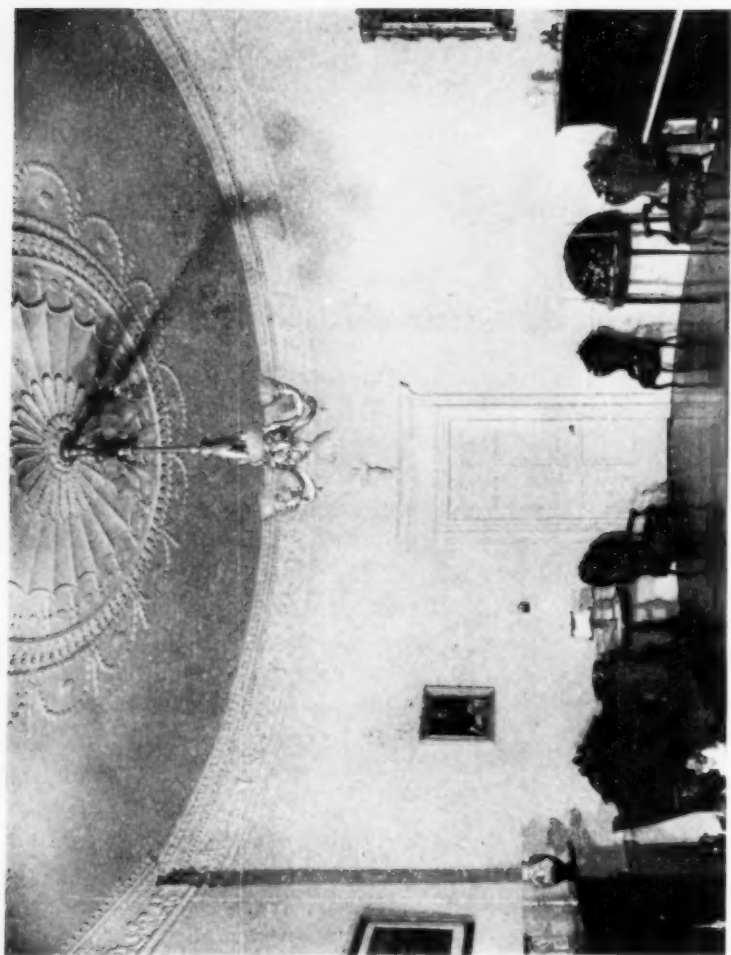


THOROWGOOD SMITH

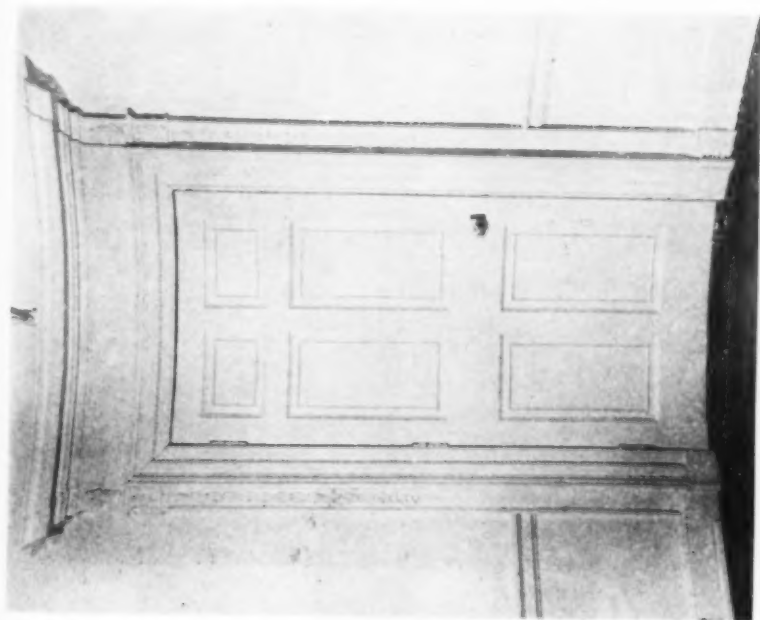
Builder of Willow Brook
Second mayor of Baltimore

Posthumous portrait by Thomas N. Neilson

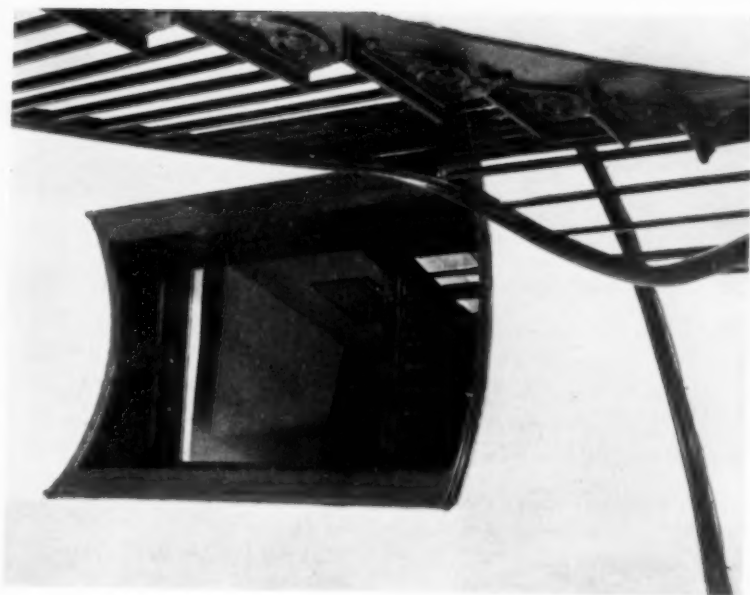
Courtesy of Peale Museum



The oval drawing room at Willow Brook, looking toward door leading to entrance hall.



Detail of drawing room door to entrance hall. On this side the door itself continues the curve of the wall, being thinner in the center than at the sides.



Detail of stairway showing curve of cast wall and what was originally an outside window.



Detail of northeast corner of entrance hall, showing cornice and tops of doors leading to stair hall and to a closet.



Rear of Willow Brook from garden, showing mansard roof and other late alterations. The porch around the end of the drawing room has been enclosed.

the families were on very friendly terms for the Donnells' name is often mentioned in the diary of Robert Gilmor, II.¹²

The Donnell family consisted of three sons and five daughters. Elizabeth, the eldest child, in 1818 married James Swan, eldest son of General John Swan, whose country seat, Hunting Ridge, lay a few miles farther west on the road to Frederick. The marriage of John Donnell, Jr., to his cousin Ann, the daughter of William Gilmor, must have been pleasing to both families. Ellinor Donnell married Samuel W. Smith in 1823. He was a nephew of General Samuel Smith and a son of Robert Smith who was Secretary of the Navy under Jefferson and Madison and Secretary of State under Madison. Anna became the wife of Edward D. Kemp, a Baltimore lawyer and chief judge of the Orphan's Court, son of Bishop James Kemp of the Episcopal Church in Maryland. William, the youngest son, married Mary Elizabeth Sprigg of Baltimore. Frances, the youngest daughter, married Gustav W. Lürman of Farmlands near Catonsville. By these marriages many descendants of John Donnell are living today in Maryland, but none bear the family name.¹³

Of the Smith-Donnell wedding, General Samuel Smith wrote on November 15, to his daughter, Mrs. John Mansfield in England:

On Tuesday your cousin Samuel W. Smith was married to Ellen Donnell. Sixty were present and sat down to the supper table. The wedding has been the most splendid ever seen in Baltimore,—a large dinner on Wednesday, and an evening party on Thursday, other parties next week by the friends her attendants.

The two mothers set their hearts on this match, and are very happy. The young couple will live for some time with your Aunt. They appear to be very fond of each other. His character without blemish, and is well read. She is handsome, very amiable and well educated. She is an exquisite musician, sings well, and will be eighteen on the first of January next.¹⁴

John Donnell grew in importance as he grew in years. He was one of the incorporators of the Baltimore Water Company, founded in 1808. His name is on the roster of the City Horse Guards in April, 1813, and on the list of subscribers to the New Dancing

¹² Latrobe, "Reminiscences of Baltimore, 1924," p. 115. Gilmor's Diary has been printed in *Maryland Historical Magazine*, XVII (1922), 231-268, 318-347.

¹³ Account by Dr. Owings.

¹⁴ Copy supplied by courtesy of Mrs. John McHenry.

Assembly Association. He became president of the Branch Bank of the United States in Baltimore in 1824 and was president when he died in 1827. His obituary in the *American*, November, 10th, lauds his inflexible business integrity and extols his acumen and spirit of enterprise which contributed so much to the advancement of Baltimore. "The death of such a man cannot be regarded but as a matter of concern to the whole community, as well as to his particular family." Mr. Donnell was a wealthy man when he died but like other shipping merchants he had met with severe losses due to the European wars and the War of 1812. In a codicil to his will he lists a number of ships which were seized or captured in foreign ports and directs that his claims against these foreign governments if paid be divided between his children.¹⁵

Willow Brook was left to Mrs. Donnell for her life time but how long the family continued to live there after Mr. Donnell's death is not known. In 1847 Mrs. Donnell conveyed the property to her three sons, John S., James and William. In the same year they ceded to the City of Baltimore about 31½ acres of Willow Brook for a public square. This land lay east of the house and is today known as Union Square. The fine old trees on the property were saved by the city and a bubbling spring was converted into a public drinking fountain about 1850. This fountain, now covered by a small circular Greek temple, still stands in the center of the square but is now supplied by Baltimore City's water supply.

In 1851 John S. Donnell bought from his brothers their interest in Willow Brook and became the sole owner of the estate.¹⁶ In the spring of 1864 he sold the house and surrounding grounds—a lot 305 x 157 feet on the corner of Mount and Hollins Streets,—to representatives of the Catholic Church in Baltimore to found the House of the Good Shepherd, a home for problem girls and women.¹⁷ Mrs. Emily (Caton) McTavish, granddaughter of Charles Carroll of Carrollton, donated the purchase price of \$18,500.¹⁸

The Civil War was still raging when five sisters from the

¹⁵ Baltimore City Court House, Wills, No. 12, f. 424. Ship *Augusta*, seized at Naples; brig *Fells Point*, seized at Guadalupe; schooner *John*, seized at Leghorn; schooner *Nimble*, captured off Smyrna; schooner *Elizabeth*, seized at Fiume, Gulf of Venice.

¹⁶ Baltimore City Deeds, Liber A. W. B. No. 455, f. 537.

¹⁷ *Ibid.*, A. M. No. 248, f. 206, and Liber A. M. No. 169, f. 283.

¹⁸ *Annals of the House of the Good Shepherd, 1864-1895* (1895), p. 15-17.

Mother House in Washington moved into the old Donnell home in August, 1864. Mount and Hollins Streets were not built up; it was then rather a lonely spot, almost country, and Union soldiers were encamped within a stone's throw of the convent.¹⁹ As the scope of the work of the House of the Good Shepherd expanded new buildings were erected which now bound three sides of the block. A high wall of stone encloses the grounds on Gilmor Street, but from Union Square one can still glimpse the rear of the old Donnell house, now the convent, with its projecting semi-hexagonal room and porch.

The only known picture of Willow Brook is a miniature painting of the house in one of the medallions which decorate a set of 10 chairs, two settees and a pier table on view at the Baltimore Museum of Art. This set of furniture, which is dated approximately 1805, shows a number of country seats of the princely merchants in full color. Willow Brook is No. 6 on the numbered key which identifies each house.²⁰

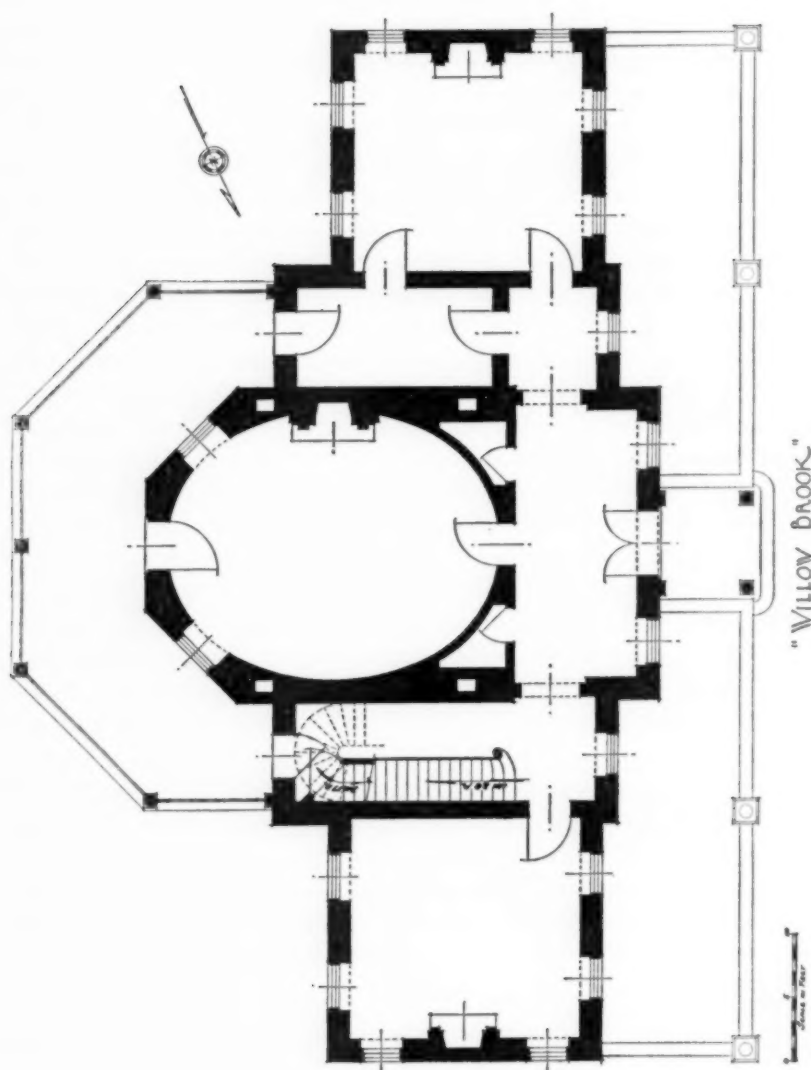
The miniature painting shows a brick house with a central part two stories in height and five windows wide. On each side is a one-story wing with hipped roof and two windows wide. The treatment of the central part is unusual. Above the three center windows is a gable roof while above the end windows there are flat roofs.

The original facade of Willow Brook is now the inner wall of the convent entrance hall. Beyond the old double doorway, now without doors, is the Smith-Donnell hallway where the plaster cornice and frieze of Adam design remain unchanged. The frames of the doorway are finely reeded; the door knobs are silver or silver-plated. The double entrance doors have been removed from the original location and are now placed at the entrance to the 1882 building. The door opposite the entrance opens on the

¹⁹ *Ibid.*

²⁰ These pieces were made by John and Hugh Findlay of Baltimore and are owned by Mrs. Edward Venable and Mrs. Herbert de Roth.

²¹ The writer wishes to thank Dr. J. Hall Pleasants for the loan of his notes on the painting of Willow Brook and other houses in this series. Special appreciation is due Mr. Hyde who visited Willow Brook and devoted his time and talents to preparation of the floor plan, and to Mr. Laurence Hall Fowler who made valuable suggestions which have been incorporated in the text. Several descendants of the Donnells have been most helpful in supplying information about interesting pieces of furniture and in particular examples of Lowestoft china in their possession. The china bears the monogram "JAD" standing for John and Ann Donnell.



"WILLOW BROOK"

Plan of main floor drawn to scale by Mr. Bryden B. Hyde, A. I. A.

principal room of the house—the oval room, which was doubtless the Smith-Donnell drawing room. It is now the parlor of the convent and was once used as a chapel. The room measures 25 by 22 feet, the longer dimension being at right angle to the entrance hall. The ceiling is 14 feet 10 inches from the floor. Two windows at the far end of the room flank a door which opens on the porch overlooking the garden and well-kept grounds of the convent. The door and window frames of this room are ornamented with delicate decorations. The cornice is reminiscent of the Adam style with a wide frieze. A carved chair rail 4 inches deep, ornamented as well as the baseboard, encircles the room whose crowning glory is the finely executed plaster ceiling decoration of elliptical design. There is a veined black marble mantel, probably of date later than the house. The well-placed, restrained ornamentation of this room and the admirable scale of the whole as well as of the detail, evoke enthusiasm. The room must surely have been outstanding when Smith built his country seat. It is even more so today when few examples of the type remain.

On the floor below is a room of identical size and shape, probably used as a dining room. Above the oval room was a third room of the same shape with three large windows. This room the Sisters called the "round dormitory." The low attic which they also used as a dormitory had one round window and a small window at each end. This has been completely altered to increase available space.

Owing to the slope of the hillside on which Willow Brook was built, the basement was flush with the ground and opened on a brick terrace which extended across the rear of the house. On the front the basement was lighted by a large area protected by a wall with posts supporting finials as indicated in the illustration on the cover and by the scale plan. Under a stone in one of the wings which had probably been used by the Donnell family as a bath house or wash house, the Sisters discovered a good spring of water which solved the water supply of the House laundry for some time. South of the house they found the remains of a once fine orchard—apple, cherry, and pear trees—and at the far end of the lot were two large horse chestnut trees which gave the Sisters much pleasure when in bloom.

ANNE ARUNDEL TAKES OVER FROM ST. MARY'S

By EUGENIA CALVERT HOLLAND

Within a half century of its founding the Province of Maryland was suffering from "provincial growing pains." The center of population had moved far north of the original capital, St. Mary's City, near the mouth of the Potomac River. By 1680 there were five counties on each side of the Chesapeake Bay, and the need for a more centrally located capital became apparent. Faltering steps were taken to find a new location but the process was slow, and more than a decade passed between the initiation of the movement in 1683 and its culmination.¹ Sensing the need of a more centrally located seat of government, Charles Calvert, the 3rd Lord Baltimore, made the first move in 1683. At a Council Meeting at Mattapany, on July 6th of that year, a proclamation was issued "for proroguing the Assembly till the first Tuesday in October next. . . . And the Provincial Court Adjourned till the last Tuesday of the same moneth, both to the house of John Larkin at the Ridge in Anne Arrundell County."² This was accordingly done, and the Assembly met and continued at the Ridge until the 6th of November following.³ The change was well

¹ None of the historians of Maryland seems to have been familiar with this early attempt to move the capital and all confine their accounts of its removal to the actual transfer of 1695. See J. Thomas Scharf, *History of Maryland* (Baltimore, 1879), I, 344, and Matthew Page Andrews, *History of Maryland* (New York, 1929), p. 199.

² *Archives of Maryland*, XVII, 144. The Ridge, topographically, is the watershed between South River and Patuxent River. See also Land Grants, Liber No. 16, folio 626-28, Hall of Records, Annapolis, the Lord Baltimore's Proprietary tract of land, in 1670, called "Ann Arundell Manor (alias) the Ridge in Ann Arundell County."

³ *Ibid.*, VII, 445. Today this location is commemorated by a State road marker on the Solomon's Island Road (Route 2), north of Mt. Zion, which reads: "Larkin's Hills. Pat[ented] 1663. Charles Lord Baltimore and his Council attended the Meeting of the Assembly here October 2nd, to November 6th, 1683. Thirty-one Towns and Ports of Entry were established at this Session in the several counties along the Bay. Practically none of these towns exist at the present time."

received by the Assembly which expressed its appreciation to the Proprietor on October 24, 1683:

Your Lordships most humble and Obedient Servants the Upper and Lower Houses of this present Generall Assembly with all Imaginable Gratitude acknowledging Your Lordships great Love and Affection to the Good People of this Province Expressed in your Lordships Speech made to your two houses at the opening of this Sessions and more particularly in Convening this Assembly and Appointing your Lordships Provincial Court to be held in this place so near the Center of your Lordships Province for the great Ease and General Conveniency of the Inhabitants thereof do with all Dutifull Affection hereby present to Your Lordship their most Humble and hearty thanks; And do further pray your Lordship to Signifie to both houses what place your Lordship Intends all future Assemblies Provincial Courts and Offices shall be held and kept at that they may take Speedy Course to make Provision of Buildings fitt for [the] reception thereof.⁴

Charles Calvert's reply to this request as to the location of future courts and assemblies appears in a record of the Upper House dated 6th November, 1683,

His Lordship being Moved by this house to Nominate a Place for the Court house &^t Doth say and Declare that when a Conveniency shall be provided in South River in Ann Arundell County Sufficient for Reception of his Lordship and Council and for holding of Assemblies and Provincial Courts and the severall and respective Offices thereon Depending his Lordship will make use thereof for such Ends so long as he shall see Convenient.⁵

In naming South River the Lord Proprietor undoubtedly selected the land of William Burgess and his brother-in-law, Richard Beard, on the south bank, just north of Herring Creek. These men had settled here in 1650 at a point three miles above the mouth of South River, which provided a suitable harbor for Burgess' fleet of ships which traded between the colony and England. Commonly referred to as Burgess' Wharf, it was named Londontown in the Acts for the Advancement of Trade passed in 1683 by the General Assembly which met at The Ridge.⁶

⁴ *Ibid.*, VII, 483, 495.

⁵ *Ibid.*, VII, 517; Dr. Henry J. Berkley, author of "Londontown on South River, Anne Arundel County, Maryland," *Maryland Historical Magazine*, XIX (1924), 135, seems not to have been aware of this episode in the history of Londontown.

⁶ J. D. Warfield, *The Founders of Anne Arundel and Howard Counties, Maryland* (Baltimore, 1905), pp. 13, 197; Maryland Wills, Liber 4, f. 244, Hall of Records, Annapolis, Will of William Burgess, 1685.

Before closing the session at the Ridge, the Lower House passed an Act "for Erecting and Building of a house for the Convenience of holding Courts of Judicature Sitting of Assemblys and for keeping of Secretaries Office Land Office and Testamentary Office in & for this Province. . . ." Among the Commissioners appointed to survey and manage the building of the Court House were Col. William Burgess and Richard Beard, of South River.⁷ The latter, deputy surveyor of Anne Arundel county, assisted Col. Burgess in laying off a portion of his plantation into lots for the agreed site of Londontown.⁸ The court house was accordingly built just west of Burgess' wharves at the mouth of Glebe Creek. A pillory, cage and whipping post were set up. However, despite these preparations, Londontown was not destined to become the capital of Maryland, although it did enjoy some degree of prosperity and growth.

Little business was accomplished at the first session at the Ridge in October, 1683, and the Assembly was recalled to St. Mary's City on April 4th, 1684, to hear the reproaches of the Lord Proprietor:

Gentlemen of the Upper and Lower houses of Assembly. Tho I had not the satisfaction I reasonably expected at the meeting I gave you in Ann Arundel; Yett I would not have you believe my adjourning you to St. Mary's was the effect of a dissatisfaction in me towards any persons here p'sent. I must Confess the danger I saw our Temporary Lawes in, and the necessity of preserving them, forct me to adjourne when I thought to have prorogued you. That and my desires of being neer my owne home at this time. . . .⁹

Charles Calvert probably recalled the Assembly to St. Mary's because of his imminent departure for England where his presence was required in connection with the bitter dispute with William Penn over the Maryland-Pennsylvania boundary. He left a few weeks after his address to the Assembly and never returned. After Charles Calvert's departure the plans for the removal of the capital were pushed aside by more pressing concerns. From 1685 to 1689

⁷ *Archives of Maryland*, VII, 515. Upper House: Col. Henry Darnall and Maj. Thomas Trueman; Lower House: Coll. Thomas Tailler, Coll. William Burgess, Maj. John Welsh, Thomas Francis, Richard Hill, George Yates, William Richardson, Richard Hall, Nick: Gassaway, Henry Constable, Edward Darcy [Dorsey], John Sollers, Henry Ridgely, Richard Beard, and Edward Burgess.

⁸ *Ibid.*, VII, 609-11; XVII, 273.

⁹ *Archives of Maryland*, XIII, 4. "Temporary Lawes" were passed for a definite period and unless renewed expired. See *Ibid.*, XIII, 123.

the colony was torn apart by domestic conflicts which paralleled the civil strife in England. The disturbances in England terminated in the accession of William and Mary who promptly placed the government under royal control and left to the Proprietary merely the revenues of his Province.

The first royal Governor, Sir Lionel Copley, either because of his illness or lack of interest did nothing about reviving the project of removing the capital from St. Mary's. He died in 1693 and it was not until the arrival of his permanent successor, Francis Nicholson, that the project was revived. Shortly after Nicholson's arrival in Maryland the Assembly was convened at St. Mary's on September 20, 1694.¹⁰ At this session the Assembly finally provided for the removal of the capital in an act which stated its reason at length:

Whereas it has been Represented to the Burgesses of this present Generall Assembly as a great and Extraordinary Grievance that the persons Inhabiting the uppermost part of this Province should be obliged to attend Assemblies and Provinciaall Courts att the City of St. Maryes being the Lowermost part of the western side thereof, by which meanes it doth often happen that not only many persons are deterred from seeking of Redress by due Course of Law for the Recovery of their just Rights in such Cases wherein the severall & Respective County Courts have not Jurisdicōn to hold Pleas, but also many persons criminalls Escape without notice taken of them or being brought to condigne Punishment the party or parties Evidences against such Offend^{rs}, rather choosing to stifle the Fact and hoodwinke Justice, which otherwise they would have willingly detected then [than] to be put to so great an Inconveniency in attending Provinciaall Courts in order to give their Evidence at the place aforesaid. And for that it is taken into consideracōn as a thing absolutely necessary that an Act should be made ascertaining in what part of this Province the Chief Seat of Judicature therein for the future should be and remaine: And being found that the appointing thereof in or neare to the Centre of this Province will most conduce to the generall Satisfaccōn and benefitt of the People.

"It is therefore humbly prayed That it may be Enacted, and be it Enacted . . . that from and after the End of the next Provinciaall Court to be held at the City of St. Maryes the sixth day of November next ensuing, That parte and place known by the name of Anne-Arundell

¹⁰ *Archives of Maryland*, XIX, 35; Francis Nicholson, who so successfully removed the Capital of Maryland from St. Mary's to Anne Arundel Town (Annapolis), was later appointed to the governorship of Virginia in 1698/9, where he again proved his ability in transferring the capital from James City (Jamestown) to Middle Plantation (Williamsburg). See William Walter Hening, *The Statutes at Large, . . . Laws of Virginia from . . . 1619*. (13 vols., Philadelphia, 1823), III, 168, 419-22.

Towne lying & being in Anne-Arundell County upon the River Seaverne be the Chief place and Seat of Justice within this Province for holding of Assemblies and Provinciaall Courts . . . And it is hereby Enacted . . . that the Commiss^{rs} nominated and appointed for the Surveying and laying out of Towns by an Act made this present Generall Assembly for the appointing of Towns doe survey and lay out in the most commodious and convenient parte and place of the said Towne six Acres of Land intire for the Erecting of a Court House and other buildings as shall be thought necessary and convenient for the better accommodating and entertaining of those persons as shall have occasion to have recourse to the Assemblies and Provinciaall Courts aforesaid on or before the Twenty fifth day of December next on penalty and Forfeiture of Two Thousands pounds of Tobacco each Commiss^r as aforesaid.¹¹

The inhabitants of St. Mary's drew up a protest which they presented to the governor, but they were unable to halt the impending transfer.¹² Shortly after the passage of the act for the removal of the capital the Governor and Council took the first steps to carry that plan into effect. The Council met at Leonardtown on January 24, 1694/5 and directed that the second session of the Assembly be held at Anne Arundel Town on the last day of February. The Council also ordered the records in the State House at St. Mary's be made ready for removal to Anne Arundel Town the 12th of February, and sent Robert Mason and John Watson, Esq., together with Mr. Attorney General, Kenelm Cheseldyne, Mr. Robert Carvile, Mr. Charles Carroll, Mr. Philip Clarke and Mr. Samuel Watkins, attorneys at law, to St. Mary's to inspect the records in the state house and in the several offices within the city. These gentlemen were required to give public notice of this inspection so that any interested parties might be present. Governor Nicholson returned to St. Mary's to direct the removal.¹³

This final flourish of activity in the old state house consumed a week of hard work, involving detailed catalogues describing the condition of each book—writ books, criminal records, bonds, dockets of ships entered, journals of assemblies, books of laws, conveyances, chancery reports, and the like. It was deemed ad-

¹¹ *Archives of Maryland*, XXXVIII, 23-25; the foregoing act disproves the assertion of various historians that the assembly of September 21, 1694 convened at Anne Arundel Town. See Scharf, *History of Maryland*, I, 344, and Andrews, *History of Maryland*, p. 199.

¹² *Ibid.*, XIX, 71-78.

¹³ *Ibid.*, XX, 189-193.

visible to have some of the records transcribed and to this end Stephen Blatchford made four copies of the Journal of the Council to be sent to England. Fair copies of the list of all the records in the Secretary's office were written and transcribed by Mr. John Pollard. The records were then packed in canvas bags provided by the Sheriff of the county, secured with cordage and sealed with the lesser seal of the province. On Tuesday, February 16, 1695, they were committed to the charge of Henry Wriothesley and John Freeman, who, with Capt. William Holland, Sheriff of Anne Arundel County, and his guard, appeared at the State House and took charge of the bags, packing them on fourteen horses and covering them against the weather with hides. A "pottle of flipe" was given the men, perhaps to warm them against the severe cold, for it had been a bitter winter, resulting in great mortality among swine and horses.¹⁴

The heavily burdened cavalcade filed along Mattapany Street and took the Patuxent Main Road toward Mr. Beckwith's on the Patuxent River.¹⁵ From here they were ferried across to the north shore of the river at Point Patience in three or four boats which had been procured by William Goldthorpe of Calvert County, where they were met by the Sheriff of the County, who took charge. At night sentinels were posted to secure the precious cargo from fire or other accident. The clerks, Wriothesley and Freeman, had been instructed to "lie always in the room where the records are lodged."¹⁶ A less arduous trip was made by the gentlemen who accompanied Mr. Robert Mason on his sloop, which also carried some records from the Secretary's office.¹⁷ It is probable that the Governor traveled on this ship. Upon his arrival in Anne Arundel Town, he resided for a time in the house of Major Edward Dorsey "by the creek."¹⁸

¹⁴ *Ibid.*, XIX, 194-197; XX, 191, 193, 202.

¹⁵ *Ibid.*, XIX, 129; XX, 193; XXVI, 249-51. This road was called the "Three Notch Road" and is so identified today, the name deriving from an Act of Assembly in 1704 by which three notches were directed to be cut on the trees of "any road leading to a ferry." It is interesting to note that this route originated at St. Mary's City as Mattapany Path, an extension of the street of the same name. It was the first public road in St. Mary's County of which there is any record. James Walter Thomas, *Chronicles of Colonial Maryland* (Baltimore, 1900), pp. 266-268.

¹⁶ *Ibid.*, XIX, 263; XX, 193.

¹⁷ *Ibid.*, XIX, 202; XX, 192.

¹⁸ *Ibid.*, XIX, 341. This was not the house known today as the Dorsey house. See Harry W. Hill, *Maryland's Colonial Charm Portrayed in Silver* (Baltimore, 1938), pp. 66-69.

The second session of Governor Nicholson's first General Assembly was held at the Court House in Anne Arundel Town on the last day of February, 1694/5.¹⁹ At this meeting, the first to be held in Anne Arundel Town, the clerks responsible for the transfer of the official records of the Province reported to the Assembly:

Whereas the said Records . . . were on the 19th of this instant by the Order & Authority of his Excellency . . . committed & Given to our Custody & Charge in Order to be Conveyed to this place; Wee have without any damage, loss or prejudice safely brought all and every the said Records to this Town or Ann-Arundell and delivered and placed the same as by the aforesaid Order is directed; In testimony whereof Wee have hereunto set our hands this 28th day of february 1694/5.

(Signed) Henry Wriothesley—John Ffreeman.²⁰

The Assembly directed that the above records be lodged in the house of Major Dorsey "under the hill," and further provided that the persons formally appointed to inspect the same "inspect the Commissary Records likewise and that they Meet at St. Maries the 15th day of April next for the said End & purpose and Cause the same to be Conveyed on horseback in the same bags which the others were Conveyed in together with the loose papers."²¹ Accordingly, at St. Mary's on April 15th, 1695, the Honorable Kenelm Cheseldyn, Esq., Commissary, assisted by a group of attorneys and clerks, examined the fifty-six volumes belonging to the office of Probate of Wills and Administration and the bonds passed in the Commissary's Office.²² They also gathered together Council books and papers, the remaining Council papers and proceedings, commencing from the time of Governor Copley's arrival until his death, many of which were still unentered. Mr. John Pollard was again present and spent seven days transcribing fair copies of the lists of all the records. These records were packed in the canvas bags previously used and sent by the same route. A strong wooden chest, for which no key could be found, was ordered shipped, unopened, to Anne Arundel Town by the Governor.²³

¹⁹ *Ibid.*, XIX, 119.

²⁰ *Archives of Maryland*, XX, 197.

²¹ *Ibid.*, XIX, 122, 266; XX, 197-98.

²² Among the attorneys and clerks assisting John Watson Esq., George Plater Esq., Mr. Philip Clarke, Mr. Thomas Grunwin, Mr. James Cullen, Mr. William Bladen, and Stephen Blatchford, together with Henry Denton, Clerk of their Majesties' Honorable Council.

²³ *Ibid.*, XX, 197-202.

As the hoof beats of this second cavalcade echoed into the north, the glorious days of St. Mary's City ended, and desertion and decay became her lot. The center of provincial activity, the color of general assemblies and excitement of the courts shifted north to Anne Arundel Town. At the third session of the Assembly held from May 8th to 22nd, 1695, in the new capital it was ordered that Anne Arundeltown was forever to be "denominated, called and known by the Name and Port of Annapolis, and by no other Name or Distinction whatever."²⁴

Mr. Richard Beard, Deputy Surveyor of Anne Arundel County, who had been commissioned to prepare a map or plat of the town, was called into the house of Burgesses to report on the progress of his assignment, at which time he stated that for want of a large paper on which to draw the same, it was not yet done. The plat was not completed until October 1696, when it was carefully examined and sealed with the Great Seal of the Province at the four sides, and upon the back sealed with His Excellency's seal at arms on a red cross with red tape, to remain in the Secretary's office or to be hung in the court house. It is regrettable that the latter suggestion was not followed, for on June 11, 1697, it was recorded that "The Honorable Sir Thomas Laurence, Baronet, Secretary, to whom the custody of the Mapp of the Towne of the port of Annapolis was committed produces to the whole Assembly the said Mapp casually spoiled in some parts by the Ratts who upon view thereof, are of the opinion the same may without much trouble and charge be mended."²⁵

A commission for the construction of the new State House, or Public House of Judicature, was granted to Col. Casparus Herman, a burgess from Cecil County, and the son of Augustine Herman, famed for his map of Maryland. Apparently, the Colonel neglected this assignment for the Governor and Council found it necessary to reprimand him on March 16, 1696/7:

I do admire [marvel that] you should so trifle with the Countrey in yo^r extraordinary delay about the State House Work, which for aught I see is not likely to be finish'd this half year yet, at the rate of yo^r manner of proceeding; besides the damage which will Ensue for want of the House

²⁴ Elihu S. Riley, *The Ancient City—1649-1887* (Annapolis, 1887) p. 63; *Archives of Maryland*, Vol. XIX, pp. 187, 211. Matthew Page Andrews in his *History of Maryland*, p. 201, mistakenly states that the third session met "a few weeks after the second." The actual time was more than two months.

²⁵ *Archives of Maryland*, XIX, 122, 501, 551-52.

being done—The Records lying in a very great danger to be spoyle by gusty weather and exposed to the hazard of burning in the place, they are now lodged, and the Countrey put to further Charge for House Rent—This comes therefore Express to acquaint you th^t if you don't forthwith come down & bring all workmen & materialls necessary for finishing thereof, so that it may be fully compleated by the 13th of may next (having deferr'd the prov^l Court till then for you^r gaining time) you must expect to be Arrested in an Action of 2000 ll. Sterl. in behalfe of the Countrey & in the interim I shall take Care to imploy men to finish it—Yo^r immediate Answer is requir'd hereto from

Read & Approved off, in Councill.

ffr. Nicholson, H. Denton, Cl. Concil.²⁶

In spite of this prodding the work proceeded slowly. By the middle of December, 1696/7, a special committee of the Assembly reported that "the Weightiest part of the Work is done. We find that the House is two Thirds done and alsoe the Charge thereof." The roof, however, had not been completed and it was ordered "that in Case Colonel Herman do not forthwith Send the laths Shingles and other Materials for Covering the House, persons agreed with and employed to cover with planck at his Charge. That it is absolutely necessary that the Doors, Cases, Cornish and Window fframes be immediately secur'd by priming them and clapboarding up the Windowes and Door Cases to keep the Weather off." ²⁷ The Colonel's frequent absence from Annapolis, owing to illness, again provoked the council: "That in case Col. Herman does not vigourously proceed to goe on and finish the work that some other methods be taken and persons agreed to doe the same at his charge." ²⁸ In the spring of 1697, Casparus Herman died without finishing the task, and Majors Hammond and Dorsey were appointed trustees to oversee its completion, and to employ necessary labor therefor. On Thursday, May 27th, 1697, a report relating to the public buildings was made to the members of the Assembly, who gave it their approbation in a resolution declaring that "the same is good substantial rough worke and that they doe approve thereof." ²⁹

The first State House in Annapolis was a two story cruciform structure, 46 x 22 feet on its inside measurements. It had back

²⁶ *Ibid.*, XXIII, 62.

²⁷ *Ibid.*, XX, 555.

²⁸ *Ibid.*, XIX, 519, 546.

²⁹ *Ibid.*, XIX, 519, 546-47, 556.

and fore porches, 14 x 12 feet each.³⁰ The building was of stone up to the water table, and all above was brick, being two full stories and a loft; the roof of cyprus shingles, was tar coated. For six feet around it was paved with oyster shells. Hitching posts and a pair of stocks were provided. The pillory cage and whipping post were brought from Londontown by George Slacum. Governor Nicholson personally ordered the copper weather vane and broad pennant to fly from the flag staff. One wonders how far at night one could see the beam from the "lanthorne" which hung from the loft window over the Commissary's office in the fore porch.³¹

A contemporary correspondent, writing to the Royal Society, described Annapolis of this time:

Col. Nicholson has done his endeavor to make a town of that place. There are forty dwelling houses in it; seven or eight of which can afford a good lodging and accommodations for strangers. There are also a State House and a free school, built of brick, which make a great show among a parcel of wooden houses; and the foundations of a church laid; the only brick church in Maryland. They have two market days in a week, and had Governor Nicholson continued there a few months longer he had brought it to perfection.³²

³⁰ *Ibid.*, XXXVIII, 24.

³¹ *Ibid.*, XIX, 59, 265, 285-87, 514, 595. This first State House at Annapolis was struck by lightning during the summer of 1699, *Ibid.*, XXV, 96-97. On the night of October 17th, 1704 the State House was destroyed by fire and many records were lost, *Ibid.*, XXV, Preface, ix-x.

³² J. Oldmixon, *The British Empire in America . . . Present State of All the British Colonies . . .* (2 vols., London, 1708), I, 195.

WILLIAM H. RINEHART'S LETTERS TO FRANK B. MAYER, 1856-1870

Edited by MARVIN C. ROSS and ANNA WELLS RUTLEDGE

(Continued from Vol. XLIII, page 138, June, 1948)

Rome Nov. 6th 1860

My dear Mayer

We say in old Baltimore it is a long time between drinks but I think it is a long time between letters. I have not heard from you for I dont know how long. Why dont you write to a fellow sometimes. I suppose it is the old proverb out of sight out of mind. It is allways well for you who have lots of the good old fellows around you enjoying all the comforts & luxuries of life to forget those that are away. But I can tell you it is very different with a lovelorn individual living in a heathen country among strangers were he cares for nobody & nobody cares for he.

it is too expensive for me to write so often it costs me more than my brandy. I dont know what in the devil to make of it for I have not heard from a soul in Baltimore for six months except Mr. Walters & Jones¹ what in the devil has become of McDowell if you see him demand six hot whiskey punches of him, for not writing me I find it is only by imposing a severe fine that I can bring you Baltimore fellows to your senses. Perhaps my friends are among the reformers & that they intend to ignore me intirely but I would let them know that I have made a wonderful progress in piety of late I number among my associates the American clergyman² But enough of this I have been in Rome all summer making the second summer in Rome. I stayed because I could not get away I was working on Mr. Walters figure & could not leave it Inclosed I send you a Photograph of it & wish your opinion The subject is the Woman of Samaria at the well just as Christ has finished speaking to her.³ I have treated it with as much simplicity as I could & perhaps with more severity than is common in modren works. I hold that these are essentual to evry

¹ Probably Hugh Bolton Jones, 1848-1927, landscape painter but possibly J. Craig Jones, landscape painter of Baltimore.

² Theodore B. Lyman, 1815-1893. For years the American clergyman in Rome and Florence; afterwards he had a church in San Francisco and then became Bishop of North Carolina. He commissioned a portrait statue of his daughter Roma, and a bust of himself. He was related by marriage to the Albert family of Baltimore.

³ Now at the Walters Art Gallery, Baltimore.

good work in sculpture. I donot mean to say that this work of mine is good but that I am making an effort in the right direction. I have tried to through as much grandeur in to this figure as I could that it might in some degree be in harmony with the majesty of the subject I have made no effort to get Prettiness. I believe it to be unworthy of sculpture intirely.

How far I have succeeded in this work it remains for others to say for as Mr. Miller once said to me if others see one quarter in your works that you do you may rest satisfied So I think myself we look at our own works with an eye warped But tell me wether you like it & no humbug dont say you like it if you donot & dont find fault in order to appear lerned but just come right out straight up & down Remember me most kindly to all of your family & any friends that may ask after me.

Yours truely

Wm H Rinehart

1861

Rome June 14th

My dear Mayer

I am afraid you think I have intirely forgotten you but I can assure you that I have not nor never will. Your kindness to me during my stay at home are as fresh in my memory as if they had been the acts of yesterday

The reason I donot write oftener is I have nothing to write about that would interest you. In Art their is nothing new worth commenting upon & the pale ticks of Italy would not interest you much.

We have had but few new arrivals of artist for a year past Hodskis⁴ Waugh⁵ & Weatherspoon⁶ are the only ones all landscape painters

No one has left for America Williams has been talking about it but canot raise the funds. In fact most of the artis here would find it difficult to move here all live from hand to mouth. Hodskis is painting a little picture for Walters very beautiful he is a very hard working fellow Waugh is a very promising artist very industrious & hard working & a good pleasant fellow. Weatherspoon I know little about

Read⁷ is still here & has done first rate this winter but will will do well werever he goes he is a very agreeable man & is acquainted with almost every body Nearly all of the American artists well remain in or about Rome this summer for the fear of not selling anything next winter on account of the troubles at home make them feel they must be economical. It is very unfortunate for me for I have already spent two summers in Rome & the climate begins to tell for the worst in my not very strong constition.

I have suffered a great deal from indigestion the past six months I am

⁴ Either Milo Hotchkiss, 1802-1874, or Wales Hotchkiss, 1826- after 1879.

⁵ Samuel B. Waugh, 1814-1885, portrait painter.

⁶ Perhaps a mistake for Whitredge.

⁷ Thomas Buchanan Read, 1822-1872, historical and portrait painter; poet. The Peabody Institute owns a portrait of George Peabody by him.

a great deal better now but not well I had a severe attack of jaundice & although I am now intirely free from that disease I still suffer from indigestion & feel that a chage of air would do me much good I am not quite certain yet weather I can get out of Italy I will go as far north as Leghorn & Florence.

Inclosed I send you a photograph of my nymph Thetis⁸ The figure stoops a great deal which make the photograph appear somewhat short I have two copies to make of it it is about four feet high this little figure together with seven busts constitute my last winter work

I have not had a letter from my Father nor Brother for many months I cannot imagine why I am very ancious to hear from home

Would you be so kind as to make some inquiry of the Coxes or Jones & let me know something about them I have written several letters but have had no answers.

Do write me soon & tell me all about yourself what you are adoin & what you are agoing to do & Remember me to all old acquaintances & particularly to your Father Mother Brothers & sister & give Lewis a kick for not writing to me. These stirring times you must have lots to write about.

Yours respectfully

Wm H Rinehart

Rome Dec. 12 / 67

My dear Mayer

I received your kind letter two days ago and was delighted to hear you are doing well.

I was in Paris in August last & was very sorry not to have seen you had I have known were you were to have been found I think I should have droped down on you but know one could tell me. I saw Lucas & Grist⁹ frequently but only remained a little over a fortnight in Paris

As to the statue¹⁰ you speak of I shall be glad to make a sketch for it if I can find a book or a print of the costume of the time I have been looking about but as yet have not found any. if you should come across a drawing or print of the time I wish you would send it to me. first I must read up the history then if I find the costume I will set about it at once then I will send you a photograph. The cast of the statue life size in bronze & delivered at some sea port say Amsterdam or any other convenient to Munich would be about six hundred pounds £600 Something fine might be made connecting with a fountain but that perhaps would more than double the expense for there would not only be much more work

⁸ There were four marbles of *Thetis*; none of them at present located: one was made for John Randolph in 1861, and another for Alexander Van Rensalaer in the same year; in 1873 one was bought by Philip Moen, and another was left in the studio and sold at auction in 1875.

⁹ Unidentified.

¹⁰ A statue of Lord Baltimore was projected by unidentified individuals; it was not executed. There is a photograph of the model in the Metropolitan Museum.

but the Water in course of time would cost a great deal. I like the idea of a fountain if they can raise the money but it should be a fountain worth looking at & have a constant supply of water for a fountain without water is a miserable object but fountains with water are much needed in all American cities. If your friend can raise eight or ten thousand pounds then something might be done or even less but I suppose a simple statue will be about as much as they will be willing to pay for

I will make a sketch of the figure as soon as I can but I am very busy & you must not expect in too short a time Dr. Buckler & fam¹¹ are here but I have not seen him since I recied your letter he has not been very well. I have a d——il of a cold and rheumatism but manage to keep at work. I am now modeling a life sized statue of Antigone¹² from Sopocles Since I have been in Rome I have not been more than four months without commission work

We have or expect a great many new artist this winter Hunt¹³ Read Yewell¹⁴ Vedder¹⁵ W Haseltine¹⁶ are here and Bearstat¹⁷ Loop [?] & some others are expected besides two new sculptors

With many wishes for your success I remain ever yours

Wm H. Rinehart

Rome Feb 6th / 68

My dear Mayer

In my letter in reply to yours I stated that I would make a sketch of Lord Baltimore if I could get at the costume But I find I can come at nothing certain. Now I must ask you the favour of sending me a photograph or drawing of the exact costume of the period for it is impossible to get it here. I find from history the active life of Lord Baltimore commenced in 1632 & continued for something like a half century or the latter part of the reign of James 1st¹⁸ Now if you will be so kind as to send me something as a guide to the costume I shall add one more obligation to the many I already owe you I would not trouble you but

¹¹ Dr. Thomas H. Buckler, 1812-1891, of Baltimore and his wife Eliza Ridgely, the widow of Henry White. The family traveling consisted of Mrs. Buckler's children, Henry and Julian White, and William H. Buckler (b. 1867). Reinhart made busts of Dr. Buckler, Henry White (1850-1927) and possibly William H. Buckler.

¹² *Antigone* was commissioned by John H. Hall of New York who allowed the sculptor to choose the subject himself. This is now in the Metropolitan Museum, New York; the Peabody Institute owns a reduction of it, the gift of August Sisson.

¹³ William Morris Hunt, 1824-1879, portrait and landscape painter.

¹⁴ George H. Yewell, 1830-1923, portrait painter of Maryland; Reinhart's study of Mrs. Yewell is owned by The Walters Art Gallery.

¹⁵ Elihu Vedder, 1836-1923, portrait, historical and subject painter who mentions Reinhart affectionately in his *Digression of V*.

¹⁶ William Stanley Hazeltine, 1835-1900, sculptor.

¹⁷ Albert Bierstadt, 1830-1902, landscape painter.

¹⁸ The writer's ideas of history were somewhat confused but his dates for the second Lord Baltimore are correct.

do not know how else to get at it. For a sketch it is not so very particular if one do not get it quite tru. Rome is getting quite full of strangers mostly Americans. I wrote you we have an unusual number of American Painters this winter but up to the present time they have been selling very little people complain of hard times at home & the high exchange

Some months ago I saw an old friend of yours Mr. Conley but cannot tell wether he is still in Rome or not as I get out so little

Now please let me know if you can or canot do anything for me if not I will try some on in England.

The Buckler have gone to Naples also C. Stewart ¹⁹ I am modeling the Drs ²⁰ & Yung Whites ²¹ Busts

Yours ever

Wm. H. Rinehart

Rome July 21 / 68

My dear Mayer:

I suppose you think I have been a long time answering your letter the fact of the business I have been quit worked and when I got your letter with the drawings I set to work at once to make a sketch but two days afterwards in came two busts & from that time until the last of April I hardly knew which way to turn the sketch fell to pieces of course when the busts were finished I found it absolutely necessary to go on with my figures that I commenced in the autumn which I am happy to say all of my friends think my best work. I inclose you a small photograph of a very hasty sketch not being certain of the costume I have taken the one I liked best but in case the statue is to be made I would should [*sic*] go to England & be certain of both costume & portrait. if you think this worth sending to you friend send it but if not write to me & give me your sejestion & I will make another when I return I have put the charter in one hand to give variety it would also help to explain the attitude.

I think the statue ²² should be in bronze about 7½ feet high & the pedestal in granite the whole cost would be about I think (£1,200) or 1,300 sterling. I cannot tell exactly until I hear from some bronze caster the increase of six inches in height make a great difference in the price of casting. I am going north & leave this evening will return the latter part of September but if you write I shall get your letter in the course of a month as I will have my letters sent some were as soon as I find out were I am agoing. let me know your home for the summer or rather the month of September I may go through Paris or rather come through

¹⁹ Charles Stewart, 1828-1900, of Baltimore, merchant; he commissioned a marble *Sleeping Children*.

²⁰ Dr. Thomas Hepburn Buckler, 1812-1901, of Evergreen, Baltimore; he took his medical degree at the University of Maryland, 1835.

²¹ Henry White, 1850-1927, of Baltimore and Paris; United States Ambassador to France.

²² This projected statue of Lord Baltimore was never executed, nor are the individuals negotiating for it named.

on my way back I should like to have a talk with you excuse this disgruntled letter for I have so much to think of today as always the case when one is leaving.

ever your firm old friend

Wm. H. Rinehart

Rome Jan 2 / 70

My dear Mayer

I suppose you think my an awful correspondent & so I am I am sure I ought to have written you long since to thank you for the print you sent me by Mrs. Herriman²³ I like it very much & was very glad to learn from them that you were looking so well & in such good sperits. of course they told you about the good time we had together last summer. I enjoyed it as much as any trip I have ever taken Rome is not near so full as last winter this time & it looks as if we were not again to have much of a winter for art in N York there is nothing doing whatever so a friend wrote me the other day. There had been scarcely anybody around to the studios yet but perhaps it will be better later Mr & Mrs Hollins²⁴ are here from Balt also Mr & Mrs Corner²⁵ & Paul Geardenin²⁶ C Carroll²⁷ & a Mrs. King²⁸ is about all I have heard of from our old town. Mr. & Mrs. Herriman ar pretty well but not so well as when I left them in Paris I am engaged upon a statue of Clytie²⁹ *nude* & hope to get it done & a couple of weeks & will then send you a photograph we have had the worst weather I have ever seen in or out of Italy but today it is clear again but I am afraid not yet settled. The streets ar filled with Cardinals Bishops & priests. The Former in read the Bishops purple priests black of course the latter make $\frac{3}{4}$ of the number more so black predominates I think the counsil will be a fisil the pope is bound to have it all his own way no one is allow to speak without his permission. What is the use of a counsil if every one has to speak & vote as the pope wishes (*stuff & nonsense*)

What are you adoining now write me & let me know

So Alfred is married again I hear

Always your friend

Wm. H. Rinehart

²³ Mr. and Mrs. William H. Herriman were Americans, resident for many years in Italy. They were intimate friends of Rinehart's and Mr. Herriman acted for the executors of his estate (William T. Walters and B. F. Newcomer) in closing out the Roman apartment and studio; the Peabody Institute owns a series of letters from Herriman to Walters in regard to this affair.

²⁴ Possibly Cumberland Dugan Hollins, 1823-1897, and his wife Annie M. Schaefer.

²⁵ Probably Mr. and Mrs. William H. Corner, of Baltimore.

²⁶ Unidentified.

²⁷ Probably Charles Carroll, 1827-1895.

²⁸ Unidentified.

²⁹ This was considered by the sculptor to be his masterpiece; the first marble was brought by John W. McCoy of Baltimore and presented to the Peabody Institute.

REVIEWS OF RECENT BOOKS

The Maryland Germans. By DIETER CUNZ. Princeton University Press, 1948. xi, 476 pp. \$5.00.

As a nation grows out of its pioneer stage it begins to be introspective and to discover it has a "soul." Folkloristic legends develop of such persistence that they are accepted by even the hardshelled historian.

Two such legends in American history are the melting pot thesis and the belief that German language and culture were once so strong in America that they almost supplanted "Anglo-Saxon" language and culture. The latter legend has long been disproved through the efforts of American historians of German extraction themselves, the former is still prevalent because no better symbol has been created to indicate the give and take, friendly or hostile, of the various ethnic groups coalescing into an American nation.

Three groups in America, the Louisiana French, southwestern Spanish and the Germans of the middle colonies and the middle west, have, in salamander fashion, resisted the melting pot process, but their Americanization in the accustomed meaning of that much abused word has progressed inevitably. Only in Puerto Rico does the U. S. A. have anything remotely similar to the Irish problem of the nineteenth century British empire.

To be sure, the Germans of Pennsylvania, known to nationalists and collectors as the Pennsylvania Dutch, deserve special mention in that they are a melting pot within a melting pot.

The melting pot thesis serves Dieter Cunz in *The Maryland Germans* as a nucleus for his penetrating study of German-speaking immigrants to Maryland from colonial times up to the present. But nowhere is the melting-pot motive so sentimentalized that the scholar of the future, who conceivably may have an entirely different point of view, will not be able to utilize this "story of a special group under special circumstances." In fact, so little sentimental is the work that the honest convictions of the author emerge strikingly and win the respect of the germanist or general historian, even when deductions here and there are open to question.

Professor Cunz correctly, in my opinion, makes a difference between the Maryland Germans of the colonial period who were like those immigrants of Pennsylvania whose ancestors are now the "Pennsylvania Dutch" and the Maryland Germans of the nineteenth century upon whom he bestows the commonly used word German-American. This latter group,

which tried persistently to retain German culture and folkways as part of its American rights, is the real subject of Cunz's study. Citizens of Baltimore who can still observe what is left of this complex have generally not been aware that there was any other kind of German in America. It is even doubtful whether H. L. Mencken, who is considered by Baltimore German-Americans in spite of his protests, to be one of them, knew at the time when he said the German-Americans were imposed upon America as a severe but just punishment for her sins (page 414), that there were Americans of German descent who were different in their reactions from the Baltimore city Teutons.

However, even Mencken in his nostalgic moments regrets the passing of colorful little Germany as it is described in the last half of Cunz's book. Baltimore seemed to be richly supplied with German churches, German newspapers, German clubs, restaurants, bilingual schooling and, of course, exotic characters (from the "Anglo-American" point of view).

Among the non-Germans and a growing part of the German group itself there seems to have been an impatience with the allegedly unrealistic attitude of the Germans in holding on as Americans to much of their old-world heritage, impatience which Cunz seems to share in a gentle sort of way. He points out that this impatience—unbiased foreigners might call it chauvinism—for a time welded the Germans into a defensive group, but also produced the hysterical anti-German discriminations of the first world war. He thinks that there was less discrimination against German language manifestations in the second world war because the "German-Americans" had become simple Americans of German descent. When Sergeant Paul J. Wiedorfer was honored, German-Americans did not stress his German descent, nor did the Baltimore population ignore it.

Cunz points out that the German-Americans as a distinct group were city dwellers and largely merchants, artisans and laborers. Farmers who lacked the little Germany spirit were quickly "Americanized." (Of them Cunz should have explained that some, as for instance in the Hagerstown area, were "Pennsylvania Germanized" or fused with the Pennsylvania Germans themselves pushing across the border into Maryland as particularly in the Hagerstown section. I have heard a report which I have not as yet been able to verify that there are farmers in the Hagerstown area who still speak Pennsylvania German.) Intellectuals among the immigrants found a more congenial point of contact with members of the corresponding English-speaking caste rather than with the German-American masses and became assimilated even in the first generation.

Cunz closes his book with an account of the arrival of the Amish in St. Mary's County fifty miles south of Washington, D. C. The Amish, an old Pennsylvania German sect and excellent farmers, have started a move into Maryland because of conflicts with Pennsylvania school laws. At the risk of being charged with picayune criticism of an otherwise excellent book, I should like to correct the statement on page 423 that "their quaint, archaic, colorful Pennsylvania German dialect is also used for their religious ceremonies." The fact is that the Amish use "Hochdeutsch,"

that is, literary German, for their liturgy and sermons, although it may be admitted that their archaic dialect-colored pronunciation, use of obsolete expressions and an occasional English word, may well give to the uninitiated the feeling that they are using "dialect."

In this connection I should also like to point out one other minor lapse. Cunz uses Pennsylvania German and Pennsylvania Dutch in a slightly confusing way. (No hyphen should be used!) Both terms are used indiscriminately for American German of Pennsylvania character, as contrasted with later German. Such discrimination is legitimate for the second half of the nineteenth century, questionable for the first decades of the nineteenth century and completely out of place for the colonial period, when all Germans, like all other Europeans, were not yet American. A note on what the author means by "Pennsylvania Dutch" would be of value for Marylanders and other Americans outside of the Pennsylvania German area.

The make-up of the book is pleasing. The Princeton University Press is to be congratulated on the attractive volume. (Incidentally, the tulip motif on the title page is more characteristic of the Pennsylvania Germans and their Maryland border cousins than of the German-American element of Baltimore.) The reviewer, who by inclination is not a comma chaser, finds no striking errors of fact, language or punctuation. Professor Cunz, to whom English is an acquired language, is to be congratulated on his accurate and expressive English.

RALPH CHARLES WOOD.

Muhlenberg College, Allentown, Pa.

George Washington: Volumes I and II, Young Washington. By DOUGLAS SOUTHALL FREEMAN. New York: Charles Scribner's Sons, 1948. 549 and 464 pp. \$15.00.

Before the commander-in-chief and the president, who are held quite rightly in considerable awe, there was a young man who need not be held in awe at all. He was nice enough but unimportant. His family was in society but not at the top of it; he himself was a younger son, skimmed in both education and worldly goods. He had, too, his share of human imperfections, growing up serious and ambitious, proud, touchy, judgmental, humorless, and a little insecure. He took to surveying and made money and acquired land at a precocious age. He copied maxims for his conduct, learned to dance, wrote poetry to girls, unfortunately fell in love with the one who was married to his best friend. But the great love affair of his life, and he entered upon it in these volumes, when he was young, was war. "I heard the bullets whistle," he wrote home after Great Meadows, "and, believe me, there is something charming in the sound."

Probably he was a fairly simple young man—simple, that is, as complex human beings go. Yet the author of his young life has a tremendously involved problem on his hands. Because George Washington became famous, and because in that obscure youth of his nobody had bothered to set down many facts, there grew up distortions, legends, family traditions,

and head-on contradictions. All kinds and conditions of people, with motives of all shades, contributed to the mess which, now, a Washington biographer must try to straighten out—knowing before he tries that he cannot fully succeed.

These first two volumes of the Freeman projected six-volume work take Washington to the age of twenty-seven, and in a thoughtful chapter at the end evaluate his equipment, his good and bad points as a soldier, and the personal qualities which marked his character in youth as in maturer years. They contain also the bulk of the background material assembled by Doctor Freeman and his research staff—which is headed by Dr. Gertrude R. B. Richards and which cannot be too amply praised. Some of it is new to the general reader, and all of it is extremely interesting. If the effect on young George Washington is to overshadow him with mountains of Virginiana, that was unavoidable. Later, of course, he will not be young and unimportant, and neither Virginiana nor the Revolution can overshadow him.

Because these first two volumes bear the burden of the background material, the narrative of Washington's life moves more slowly than we may expect it to do in the subsequent volumes. Not that his courtship of Martha Custis was a fast and furious affair at best, but when fourteen pages about her first husband's relatives are inserted we feel glad, after all, that this is old, familiar material, so that we need not wait suspensefully to know how the story ends.

Actual mistakes are, for a work of this magnitude, amazingly few; but as always when real facts are meagre and interpretative judgment must bolster the presentation, readers' opinions will be divided. For instance, I hardly thought it followed that "As George neither sang nor played an instrument," he paid his "Musick Master" for dancing lessons and not music lessons; or that "[Doctor] Lanahan also must have had the disease [smallpox] previously, because he did not hesitate to attend George." I did agree about the robbery of George's clothes while he was in swimming—obviously, to me, the thieves merely emptied the pockets and left the clothes behind, just as you leave a bank behind when you rob it—but some of Doctor Freeman's eminent predecessors disagree here too.

Of the almost innumerable predecessors, it seems probable that this author will have to stand comparison chiefly with John Marshall, who wrote before modern research uncovered some of the best material; brilliant, careless, smart-aleck Woodward; Fitzpatrick, the soundest scholar of the lot, but a hero-worshipper who refused his fences at Sally Fairfax; and Hughes, who regrettably did not finish. But it is early days for comparisons; early days, indeed, to pass judgment of any kind on a work only well begun. This is especially true since these first two volumes, highlighted only by the battle of the Monongahela, have given the author little scope for his most distinguished talent, the ability to write military history better than most professionals. The many excellencies they show, however, make us look forward to what may very well prove the definitive Life.

ELLEN HART SMITH.

The War of 1812. By FRANCIS F. BEIRNE. New York: E. P. Dutton and Co., 1949. 392 pp. \$5.00.

Including the Revolution, this country has fought seven major wars. Of these, the War of 1812 has been greatly neglected both by historians and by the people of the United States, in spite of the fact that it gave us our national anthem, and, more important, was a powerful contributing force in welding the individual states into a nation. True, the New England states were violently opposed to the war, traded with the enemy, and discussed secession, but as a whole the United States were more nearly united in 1815 than they had ever been before or were to be again for nearly a hundred years. Most of us remember from our American history at school that the Star Spangled Banner had something to do with the War of 1812, that a ship named *Old Ironsides*, and a few other old-fashioned American warships called "frigates" beat the British Navy, while a Commodore Perry was doing the same thing on Lake Erie. We remember, too, that in some unaccountable way the British captured and burned Washington, and that Andrew Jackson, a pirate, and some cotton bales defeated Wellington's veterans at New Orleans. There was very considerably more to the war than that, but until Mr. Beirne's book was written the rest of the information could be found together in only one other: Lossing's *Field Book of the War of 1812* published in 1868.

The naval aspects of the struggle, aspects which have been more fully analysed than any other phase of the conflict, have been fully described in many places by many competent students. Theodore Roosevelt's *The Naval War of 1812*, and Mahan's *Sea Power in Relation to the War of 1812* are comprehensive, objective, and accurate accounts of the conflict at sea and on the Great Lakes. There are a few good studies of some of the individual land campaigns. Nowhere, except for Lossing, whose objectivity is as suspect as his book is tedious, has there been until now competent, integrated, and unprejudiced history of the war as a whole. Mr. Beirne's book, therefore, fills a serious gap, which had existed for more than a hundred years, in American military history.

Let it be said at once that Mr. Beirne has written an interesting as well as an edifying book. One puts it down regretting that it is not longer but feeling that one now knows what the war was about, how it was fought, why it was fought that way, and what manner of men they were who played the leading roles in a struggle, small even in its own day by comparison with other wars, but of vital concern to its American participants, and almost as important to the nation. To any one familiar with Mr. Beirne's daily contributions to the newspaper which has the good fortune to have him on its staff, it comes as no surprise that the book is well and clearly written, with more than an occasional flash of humor, or that it affords unmistakable proof that history need not be dull merely because it is history.

The diplomatic and political events which led up to the War of 1812 were complicated in the extreme. In eight short chapters Mr. Beirne

untangles them, and then goes on to describe in detail the various campaigns of the war itself. His descriptions of action on land are excellent. He gives sufficient detail to make his battle scenes vivid and to breathe life into the participants, but he never gets lost, or loses his reader, in the maze of trivia with which so many military writers encumber their work. The misfortunes of Generals Hull, Harrison, Wilkinson, and Winder on land and the victories of Commodores Hull, Rodgers, Perry, and Decatur at sea are contrasted, analyzed, and evaluated. The evaluation leads to certain conclusions, conclusions valuable today, as Mr. Beirne points out to some purpose in his last chapter.

It requires a brave man to attempt to write critically of war at sea between 1660 and 1815. This is the period covered by the monumental Sea Power series of Mahan, and the historian who treats of naval events in that era invites comparison with Mahan's work. From this comparison Mr. Beirne emerges extremely well, but not completely unscathed. In narrating the events which led up to the battle off Salem, Massachusetts, between the USS *Chesapeake* and HBMS *Shannon*, Mr. Beirne quotes the challenge which Captain Broke of *Shannon* sent to Captain Lawrence of *Chesapeake* and states: "Once Lawrence read the challenge the thought of declining it never entered his mind." Both Mahan and Roosevelt are specific in declaring that Lawrence had sailed with *Chesapeake* before the challenge reached Boston and that it was forwarded by Bainbridge to the Navy Department in Washington. While trivial in itself, this error leads to conclusions which can be questioned.

The fact that *The War of 1812* was written for popular consumption rather than for the scholar does not invalidate it as an important contribution to military literature and to American history. It is time that Americans knew something about that war. As Mr. Beirne aptly and pointedly says in his concluding chapter: ". . . the War of 1812 now stands revealed as the initial stage in a logical sequence of historical events in which World War I and World War II have been succeeding stages." In many respects the War of 1812 was a comic opera affair. It was not so for those who fought it, it is not so for those who find the causes of present events in the events of the past.

The book is illustrated with eleven maps and charts prepared by Dorothy de Fontaine. They are most helpful in following the campaigns and battles and materially assist the reader in other respects.

JOHN PHILIPS CRANWELL.

Liberty Against Government. The Rise, Flowering and Decline of a Famous Judicial Concept. By EDWARD S. CORWIN. Louisiana State University Press. 210 pp. \$3.00.

In this perspicacious volume Professor Edward S. Corwin, the nation's outstanding constitutional historian, has expanded a lecture delivered at

Louisiana State University wherein he developed the oldest theme underlying our constitutional history, that of *Liberty Against Government*. In tracing the growth of this idea, Professor Corwin finds its origin in the writings of Cicero. From this base he follows his theme in the writings of numerous English lawyers on across the Atlantic to America. Analyzing the concept of natural law "as the informing principle of a universal moral order" developed by Cicero, he traces the gradual contraction of this concept in the hands of English lawyers to one limiting the power of governmental action; a doctrine embedded in American constitutions.

Legislative sovereignty in America, as a result of the Revolution, became subject to a more basic and fundamental popular sovereignty, whose origins the author finds in the popular assemblies of Greece and Rome. Judicial review was inaugurated in the United States to see that government did not expand its authority and encroach upon popular sovereignty.

Prior to the Civil War the Supreme Court with John Marshall leading the way came virtually to sanctify property and other vested interests primarily by stressing the "obligation of contracts" clause of the federal constitution. In contradistinction to what the author happily terms "the Doctrine of Vested Rights" there developed "the Police Power" amongst the states as a weapon to challenge vested rights in the name of the public interest. The "great case of *Wynehamer v. State of New York*" (1856), a state decision, suggested to the Supreme Court in the latter decades of the nineteenth century a solution to the embarrassing problem of the police power through the use of the "due process clause" which was made applicable to the states after the Fourteenth Amendment became part of the law of the land.

The "due process clause" of the Fourteenth Amendment came to support the gospel of laissez-faire rampant in the United States in the later nineteenth and twentieth centuries from regulation of any sort in the economic field. With the court as a perpetual watchdog, liberty in the economic sphere became something that government could in no way modify or regulate in the public interest. Police power, Professor Corwin explains, became "cabined, cribbed, confined" to the restricted area of "public health, safety and morals."

With the advent of the New Deal this concept of liberty against government went into eclipse. The case of *West Coast Hotel Co. v. Parrish* (1937) marks the beginning of a distinct period in our constitutional history. The Supreme Court now began to encourage progressive legislation, to support labor unions, racial minorities and religious sects against restrictive legislation. The "due process clause" was revitalized in cases originating chiefly in southern states to see that accused individuals received fair trials. Thus under the New Deal at least the concept of "liberty" lost its "purely proprietarian connotations" and has assumed "a distinctly equalitarian tinge." Whether these developments continue of course remains to be seen.

RICHARD LOWITT

University of Maryland.

The Puritan Oligarchy: The Founding of American Civilization. By THOMAS JEFFERSON WERTENBAKER. New York: Charles Scribner's Sons, 1947. xiv, 359 pp. \$5.00.

This is the final volume of Professor Wertenbaker's trilogy on *The Founding of American Civilization*. In it the author has departed in two significant respects from the pattern of the earlier volumes. In *The Middle Colonies* and *The Old South* he gave considerable attention to each of the colonies in the area under survey; in the New England volume he deals almost exclusively with Massachusetts. In the earlier studies he emphasized the four forces which have together formed American civilization: the transit of European civilization, the local environment, the continuing intercourse with Europe, and the mingling of various groups in the American "melting-pot." By contrast the present work does not allude specifically to this thesis. The environment is described and the late-seventeenth-century currents of world thought are credited with a share in the ultimate collapse of the "New England Zion," but these forces are not unduly stressed. The melting-pot does not even appear in this account of an essentially homogeneous people. We are left, then, with the transit of a particular variety of European culture—Puritanism. The book is an exposition and interpretation of the establishment, characteristics, and ultimate fall of the Puritan state.

The distinctive features of this state were "congregations whose autonomy was derived from a covenant with God, a civil government in which only Church members participated, an educational system designed to buttress the orthodox religion, a rigid code of morals, the suppression of heresy." In addition to discussing these themes, the author devotes chapters to the town system, to Puritan literature, and to architecture and music. The Puritan state, he feels, came to be undermined by the expansion of foreign trade, the growth of fisheries, the shift from the agricultural village to the farm, the development of rationalism, and the intrusion of heresy. The later leaders of the oligarchy fought an inevitably losing battle.

Although the author clearly has very little personal sympathy for many of the ideas of the Puritans, he writes without bitterness and seeks to treat them with complete justice. Only occasionally will a fair-minded New England reader feel that the founders of Massachusetts have received something less than their due. In subject-matter the book is probably the best balanced of the three. While the author allows, perhaps, a disproportionate amount of space to the witchcraft episode, he succeeds in presenting all the main features of the narrative and in discussing all the significant characteristics of seventeenth-century Massachusetts society. Nowhere else today will the general reader find as thoughtful and well-integrated an account of the great Puritan experiment.

LEONARD W. LABAREE.

Yale University.

Archives of Maryland, LXIII. Proceedings and Acts of the General Assembly of Maryland, 1771 to June-July 1773. [Assembly series, vol. 31.] Edited by RAPHAEL SEMMES. Baltimore: Maryland Historical Society, 1946. xl, 455 pp. \$3.00.

This, the sixty-third volume of the *Archives* and the thirty-first of the proceedings of the Assembly of the Province, is, like those previous, from original manuscripts. It embraces the sessions of October-November 1771 and June-July 1773, with Frederick Calvert, Lord Baltimore, and Henry Harford, as Proprietors, and Robert Eden as Royal Governor.

The volume is an enviable example of independence of elective legislative assemblies, so necessary to free government, over asserted executive influence and power. The colonists were, for the most part, pure Anglo-Saxon stock. Their representatives in the elected House, serving without compensation, were the gentry or land-holding class. Knowing their own privileges as well as the inherent rights of freemen they were jealous in maintaining them and consequently resented and repelled any encroachment by executive authority—whether from the Crown, the Proprietors or the Royal Governor.

The material, therefore, shows many conflicts between the elected House and the Upper House (Governor's Council) and the Governor himself. An outstanding example was the dispute over levying and collecting fees of certain public officers, the means of their compensation. Tobacco was currency and to prevent change in value the Assembly of 1763 fixed its price, but the act, like most laws of the day, expired by its own limitation. In 1770 the Upper and Lower Houses failing to agree on renewal, the Colony was left without a fixed system of currency. The Governor proceeded to issue his proclamation directing collections under the expired act.

The House without hesitation asserted its privileges. By resolution it pronounced that the "Representatives of the Freemen of the Province have the sole right, with the assent of the other part of the Legislature, to impose taxes or fees, and that the imposing or collecting of any taxes or fees, on or from the inhabitants under pretext of any proclamation, in the name of the Lord Proprietor, is arbitrary, unconstitutional and oppressive"; that the proclamation of December 26, 1770 was "illegal, arbitrary, unconstitutional and oppressive," and that the advisers of the proclamation were "enemies of the peace, welfare and happiness of this Province, and the laws and constitution thereof." Here was independence equal to any appearing in the assembly adopting the Declaration of Independence.

So warm was the dispute that the House, sitting as the Grand Inquest of the State, a power reserved to our own present House of Delegates, imprisoned the Register of the Land Office. Charles Carroll of Carrollton, describing himself as "First citizen," and Daniel Dulany, Jr., as "Antilon," carried on a debate in the *Gazette*—the first upholding the House and the other defending the Governor.

It was clearly this dispute, and perhaps others, that gave victory to the

opponents of the Governor in the election of 1773 of a new House. Even in Annapolis, the place of Royal residence, the opposition was victorious. There a mock funeral was had in celebration.

The clergy of the Church of England also had difficulty. Drawing compensation from the State, the House reduced the amount. Patriots such as Samuel Chase and William Paca entered the dispute as well as that doughty Royalist clergyman, Rev. Jonahan Boucher, sometime Rector of St. Annes.

All of this, and some of lighter vein, appears. There is the appropriation in 1773 to aid Virginia in erecting a light house at Cape Henry; an act (30 pounds) for "parchment, paper, ink powder and quills" for use of the Assembly; a bill (failed of passage) prohibiting "buying and selling of offices"; a duty on Negroes imported into the Colony; an act to enlarge Baltimore Town by including Fells Point—some 80 acres; the House first declining to seat Jonathan Hager, founder of Hagerstown, because he was a naturalized subject, rather than a natural born subject, but later, after his second election, qualifying him; and last, but not least, an act for relief of prisoners for debt. That was a day when one might be jailed for failure to meet his bills. One colonist even petitioned the Assembly for relief from arrest and law suits for ten years to support his wife and five children. His petition was refused.

The appendix contains the order of the King in Council of March 5, 1773, ordering Governor Robert Eden to qualify as his own successor, back of which is a lengthy but interesting item of colonial history. It involved the very title of the Province.

Such is but a glimpse of the content of the volume. The student will be rewarded in his study because in the proceedings he will find the very life of the Colony itself. All is systematically and accurately arranged by the skillful hand of the historian-editor.

CHARLES C. WALLACE.

The Silversmiths of North Carolina. By GEORGE BARTON CUTTEN.

Raleigh: State Department of Archives and History, 1948. 93 pp.

North Carolina is to be congratulated in having followed the example of her neighboring state to the south in beginning a study of her early arts and crafts. *The Silversmiths of North Carolina*, a scholarly contribution to this end by George Barton Cutten, has recently been issued by the State Department of Archives and History, and is a most welcome addition to our knowledge of this craft in the South. This book, together with E. M. Burton's *South Carolina Silversmiths*, published in 1942, disproves the general impression that the craft of silversmithing was little practiced south of the Potomac during the Colonial and early Federal periods.

Mr. Cutten lists over two hundred silversmiths he has found working in North Carolina before 1850, and gives biographical sketches of many

of them and notes on their silver where he has been able to trace examples of their work. More illustrations and descriptive notes on the objects traced would have added to the value of the book. A few of these North Carolina silversmiths were at work before the Revolution, but immediately following the war their numbers rapidly increased. Judging by the illustrations of silver made by such men as Freeman Wood of New Bern, who came to that town from New York City in the early seventeen nineties, the work of some of these silversmiths was of a high order. Illustrations of the silversmiths' marks, in several instances actual photographic reproductions, add much to the value of the book.

The publication of a volume such as this invariably results in examples of the work of silversmiths mentioned only by name coming to light. Much early silver made in any American community has in the course of time become spread over the country at large and examples which have been preserved turn up in remote places in the hands of descendants of former owners or of collectors. Alphabetical listings of North Carolina silversmiths now for the first time publicized will certainly result in the identification of silver, hitherto unattributed as to maker or locale, made by some of them, whether the mark bears the maker's full name or only his initials. Even in the case of initialed marks unless the combination of initials is very commonplace, it will be found by owners that they have in their possession examples of silver made by one of these North Carolina smiths which before the appearance of this work they have been unable to identify as to the maker or the place where it originated.

Books already in print on early silversmiths who worked south of the Mason and Dixon Line—in Maryland, North Carolina, and South Carolina—call to attention silver made in these three states. Why Virginia, usually so alert in bringing to light all phases of its Colonial history and its crafts, has neglected the study of its eighteenth and early nineteenth century silversmiths is difficult to understand. The writer knows it to be a most fertile field. Colonial Williamsburg, Incorporated, should accept the challenge offered it, and give Virginia silversmiths the attention they deserve.

J. HALL PLEASANTS.

The Anglican Church in Delaware. By NELSON WAITE RIGHTMYER.
Philadelphia: Church Historical Society, 1947. 217 pp. \$3.00.

This book traces the story of the Anglican Church in Delaware from its beginnings in the last quarter of the 17th century to the call in 1792 of the first General Convention of the Protestant Episcopal Church in the state. The first four chapters are devoted to the missions in each of the three counties and that at Appoquinimy in Newcastle County, with a brief account of each of the several ministries. Then follow four chapters containing generalizations on such subjects as the relations of the Anglicans with the Swedish Lutherans and the Methodists, church practices, and the

influence of the church on education. The final chapter treats the confused period of the Revolution and the immediate post-war years. There are also two interesting appendices, a well arranged bibliography, and an index. One wishes for a better map than the one provided.

Dr. Rightmyer has written a scholarly work, based for the most part upon contemporary documents, particularly correspondence from the archives of the Society for the Propagation of the Gospel in Foreign Parts. He has recorded faithfully, unsentimentally, and yet sympathetically what his sources disclose. His book is the first account that has been given of the English churches in Delaware as a group, and it provides a solid foundation for further studies that may follow. Indeed, a basic work of this kind is needed for more than one of the dioceses in this country.

Among miscellaneous observations that may be mentioned, one is struck by the relatively large number of clergy bearing such unmistakably Scottish names as Ross, Sinclair, Henderson, Campbell, Crawford, Frazer, Morris, Neill, Black, Andrews, and Lyon. Is there some particular explanation of this other than the hard and turbulent times in Scotland?

If the astounding figure of £117 has been correctly reported on page 152 as the cost of a surplice during the period from 1759 to 1761, and if the price current in the lifetime of George Ross some years earlier even approximated this figure, one can well understand the distress of that reverend Scot in finding that someone had stolen his surplice "gotten after much financial difficulty." Incidentally, an allowance of £10 for a pulpit cloth and surplice is reported on page 151 as having been made in the early part of the century. There is much in Dr. Rightmyer's book that is of interest to the Marylander.

THOMAS DEC. RUTH.

Delaware's Forgotten River: The Story of the Christina. By C. A. WESLAGER. Wilmington: Hambleton Company, Inc., 1949. xiv, 226 pp. \$3.50.

Most Marylanders, on the rare occasions when they have need to use the name of the little river in Delaware about which Mr. Weslager writes, call it Christiana, pronounced "Christy-anna." But the author points out in the first chapter of his interesting book that the river's correct name is Christina, pronounced "Christeena," and he cites an enactment of the Delaware Legislature in 1937 to show that the name was legally changed to Christina.

To write a book of more than 250 pages, complete with source references and an index, about a river as small and as obscure as the Christina, is something of a literary tour de force, but Mr. Weslager accomplishes the job in fine style. The Christina, for those unfamiliar with it, is the watercourse on which Wilmington is located and which with its tributaries drains most of the northern segment of Delaware contained in the arc drawn from New Castle as a center. Incidentally, anyone who thinks

Wilmington is on the Delaware river had best consult his maps; actually, the Christina provides Wilmington with its waterfront.

Mr. Weslager cheerfully admits that no events of cosmic importance ever occurred along the Christina, and he even points out that one of the Christina's tributary streams, the Brandywine, is much more widely known because of the battle fought on its banks and because its waters turned the wheels of the first duPont powder factory. Then, turning from the Brandywine to the Christina, Mr. Weslager follows the river from its mouth to its various sources, telling of its history from Indian times up to now and emphasizing the villages on or near its banks and the men and women who lived therein. Marylanders will be especially interested in the accounts of the New Castle and Frenchtown Railroad, the Delaware and Chesapeake Canal, the Mason and Dixon Line and George Talbot, the eccentric cousin of Lord Baltimore.

JAMES C. MULLIKIN.

When Lafayette Came to America: An Account from the Dubois Martin Papers in the Maryland Historical Society. Edited by GILBERT CHINARD. Publication Number Three of the American Friends of Lafayette. Easton, Pa.: 1948. 44 pp.

It is always a pleasure to see some of the manuscripts of the Maryland Historical Society appear in print. It is even more satisfactory when the manuscripts are edited by such a distinguished historian as Dr. Chinard. Although the essential facts of this material have been treated by Louis Gottschalk in *Lafayette Comes to America* (Chicago, 1935), these papers are now made available for the first time. Dubois Martin was the man who purchased the ship which brought Lafayette to America in 1777. The theme of the papers is Dubois Martin's efforts to draw attention to the circumstances under which Lafayette came to America the first time and to secure, if possible, some financial return in his declining years. Reading this brief narrative recalls the Santo Domingan insurrection of 1793, the subsequent migration of many of the French to Baltimore, and Lafayette's second visit to America. Also of interest is Dubois Martin's efforts to make a living from the cigar manufacturing industry.

FRANK F. WHITE, JR.

The Unhurried Years (Memories of The Old Natchez Region). By PIERCE BUTLER. Louisiana University Press, 1948. 198 pp. \$3.00.

The title of the work is indicative of a subject-matter relating, it may be said, "to days gone by." The focal point is "Laurel Hill," the plantation in Mississippi which came into being when Richard Ellis and his family moved west from Virginia in the 1760's and secured a grant of

land from the Spanish Government. "Laurel Hill," almost a unit in itself socially and economically, ultimately came into the possession of the author's family. *The Unhurried Years*, after proper reference to the successive owners of "Laurel Hill" and the *mores* of the passing years, is essentially a reminiscent account by the author of a span of years sacred in his memory,—years of a life lived simply and sympathetically.

Of especial interest are the references to the close liason between "Laurel Hill" and the City of New Orleans, at that time not only the market for the plantation's cotton, but also the home of many relatives and friends, the names of a number of whom will probably be familiar to readers having associations in the South. But even more engrossing are the glimpses which the reader is given into the *modus vivendi* of the times. A vista of a purposeful, realistic and sincere course of life, rugged and free from artificiality and false values, spreads before the reader. He wonders whether his life might not have been more complete and richer had he been born three score or more years sooner and had the chance to live on a Southern plantation.

EDWARD D. MARTIN.

Maryland and Pennsylvania Historical Sketches. By FREEMAN ANKRUM.

West Newton, Pennsylvania: The Times-Sun, for the author, 1947.

Introductions by U. S. Senator Edward Martin of Pennsylvania and Theodore R. McKeldin, former mayor of Baltimore. 282 pp. \$3.00.

To submit this work to professional criticism is to perform a disservice to its author. Mr. Ankrum is not a professional historian and, by inference, considers himself fortunate. "Tiresome detail" has no fascination for him; neither has documentation. He is convinced that "history really tends to repeat itself" (p. ix) and notes that "about the only original thing in history may be the style in which it is written." (p. viii.) It is not surprising, therefore, to find his *Sketches* a series of reminiscences, legends, and anecdotes, connected by a sort of personalized travelogue. Materials used in many of the more "historical" chapters are derived from secondary sources, notably the writings of J. Thomas Scharf. (Chapters 16, 17, 26, 27 and 33 are so derived, to name a few.) Unfortunately, aside from a bibliographical reference to "Scharf's History of Western Maryland" neither Scharf's book nor Scharf's sources are cited in footnotes in spite of obvious indebtedness.

JOHN R. LAMBERT, JR.

Carnegie Institute of Technology.

Calvert and Hillyer, 1897-1947. By ARCHIBALD HART. Baltimore: The Calvert School, 1947. 210 pp. \$3.00.

This volume recounts the story of the birth of an idea and its flowering into the present institution of world-wide reputation. The initiative of a

group of Baltimore parents who in 1896 visualized a new type of school, namely a kindergarten, was responsible for the beginning of Calvert School. With the arrival of Virgil M. Hillyer, not yet 24 years of age, in 1899, the tiny school began its real career. Thanks to the vision, personality and drive of Mr. Hillyer, the school soon earned an enviable reputation and, with the beginning of the home instruction department in 1905, entered a new field. This department was soon filling an important role for families in many parts of the world where schools were not available. Today it is educating 2,000 children a year, while the Day School has gone on increasing in prestige and enrolment. The author has given full weight to the talents of the late Mr. Hillyer, first head master, and has included thumbnail sketches of his successors, Mr. Donnell W. Goodrich, and Mr. Edward W. Brown.

J. W. F.

OTHER RECENT BOOKS RECEIVED

- The Rural Press and the New South.* By THOMAS D. CLARK. Baton Rouge, Louisiana: Louisiana State University Press, 1948. [xi,] 11 pp. \$2.00.
- Side Wheel Steamers of the Chesapeake Bay, 1880-1947.* Compiled by JOHN A. HAIN. Glen Burnie, Md.: Glendale Press, 1947. [46 pp.].
- Presence of A Lady: Mount Vernon 1861-1868.* By DOROTHY TROTH MUIR. Washington, D. C.: Mount Vernon Publishing Company, 1946. 90 pp. \$2.50.
- L. O. D.—Yes. An Odyssey of the Army's 18th General Hospital.* By R. CARMICHAEL TILGHMAN, M. D. (Reprinted from *The Johns Hopkins Alumni Magazine*, Vol. XXXVI, Nos. 1, 2, & 3, Nov. 1947, Jan., 1948 and Mar., 1948.) 39 pp.

NOTES AND QUERIES

Baltimore Book Trade, 1800-1830—Mr. Rollo G. Silver, Peabody Institute Library, has undertaken preparation of a study of the Baltimore book trade between 1800 and 1830. He will be very grateful for any information relating to this field, especially biographical data about the printers, publishers, and booksellers, as well as information concerning personnel of firms, changes in partnership, records, etc. Mr. Silver's address is care the Peabody Library, Baltimore 2, Maryland.

Latrobe's Plans for an Ohio Residence—The Ohio State Archaeological and Historical Society has undertaken the restoration of the home of Thomas Worthington, one of Ohio's first United States Senators and sixth governor of Ohio. His home, *Adena*, was built in Chillicothe, Ohio, in 1806. Evidence exists that Benjamin Henry Latrobe drew plans for this house in 1805 but these plans have not yet been located. Any information about Worthington plans, or unidentified drawings of this period by Latrobe would be very much appreciated by the Historical Society so that if possible a definite attribution can be made. Information concerning manuscript material of this branch of the Worthington family would also be of much value to this restoration project.

Janet Hamilton,
215 E. North Broadway, Columbus 2, O.

Howard Daniels, Architect or Landscape Gardener—Will anyone having information concerning Howard Daniels, who lived in Baltimore in 1864, please communicate with Mrs. H. D. McKenna, Vassar College, Poughkeepsie, N. Y.? Information about Daniels is needed in connection with a master's thesis on the architectural history of Vassar College. Mrs. McKenna is also seeking similar information about John Wilkinson, also of Baltimore, who was consulted about the heating plant at Vassar College.

The Lecture System—I am writing a book to be entitled *The American Lyceum: Town Meeting of the Mind*. It is a study of the cultural, historical, and literary aspects of the lecture system in our country from 1830 to 1860. I would be indebted to any of your readers who would let me know if a lyceum existed in their locality before 1860 and, perhaps, where I might write to secure records of the lyceum if it did exist.

Carl Bode,
Professor of English,
University of Maryland, College Park, Md.

Corrections—Reference was made in the article on the Dorsey family of Calvert County (*Maryland Historical Magazine*, March, 1948, p. 78), to the late Judge Walter Dawkins. His middle name was erroneously given as Parran. His full name was Walter Ireland Dawkins. The *Magazine* regrets the error.

Another slip occurred in the article on Hampton which appeared in the *Magazine* for June, 1948. On p. 97, footnote 7 stated that certain Roland Park property remained in the hands of Fenwicks until the second half of the last century. The reference should have been to the *Fendall* rather than the Fenwick family.

Griffin—Information is requested regarding the ancestry of Henry Clay Griffin of Baltimore, born there 1834; d. May 21, 1906. At that time he resided at 710 N. Arlington Ave. He was teller of 3rd National Bank for 40 years; member of the militia; senior warden of the Grand Lodge of Masons. He married 1857 Sarah Virginia Daw. A daughter Augusta died 1913 at Baltimore.

R. G. Smith,
2904 13th St. South, Arlington, Va.

Mudd Family—Thomas Mudd, born 1647, came to Maryland about 1680, probably from the British Isles but the exact place from which he emigrated is unknown. He brought eight others with him, John Hilton, James Smith, John Story, Richard Stiffe, George Springer, Mary Aldren, Mary Gayler and Anthony Valvar. Can anyone who has been interested in any of these persons advise from where any of them emigrated and throw light on the place of birth and identity of Thomas Mudd?

Richard D. Mudd, M. D.
1001 Hoyt Street, Saginaw, Mich.

Jenkins—I desire the names of parents of Philip Jenkins, born Charles Co., Md.; married Elizabeth Hungerford at Puccawaxon Parish, Charles Co., June 8, 1779. He later moved to Virginia and died in Bedford Co., Tenn. His son, Philip Harrison, born Pittsylvania Co., Va., Jan 2, 1800, died in Panola Co., Miss., June 27, 1878. His wife was Sarah B(arton) Parham, of Tennessee.

Mrs. Louise M. Heaton,
P. O. Box 86, Clarksdale, Miss.

CONTRIBUTORS

Dr. AMMON, Librarian of the Maryland Historical Society, has been appointed Associate Editor of the Magazine. ☆ An instructor in history at the Case Institute of Technology, Cleveland, Ohio, Mr. ZORNOW is a candidate for the Ph. D. degree at Western Reserve University. ☆ Mrs. BEVAN is a student of architectural and social history of Maryland and has contributed to the Magazine in the past. ☆ Miss HOLLAND, a graduate of the National Park Seminary, Washington, D. C., is a member of the Society's staff. ☆ Mr. ROSS is curator of Mediaeval and Subsequent Decoration Arts, Walters Art Gallery; his collaborator, Miss RUTLEDGE, is a member of the staff of the Peabody Institute.